Make Voting Work
Military Voting Project

Analysis of Military Voter
Participation, Process, and Impediments,
and the
Goals, Measures, and Strategies for Improvement

Prepared for the
Pew Center on the States
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Key Findings

<u>Military Voter Participation</u>

● 2006 military voter participation was only 20.4% to 22%, as compared to 39% to 40% for the general population.

● The Federal Voting Assistance Program's methodology for estimating voter turnout was fundamentally flawed, inaccurate on its definitions, and grossly overestimated military voter participation.

● By almost every measure except registration, military voter participation in 2006 was much lower than the general population's:

   ▪ Voter turnout as a percentage of the civilian voting age population –
      ● General Population: 38.9%
      ● Military Population: 20.4%
   ▪ Absentee ballot return rate –
      ● General Population: 85.8%
      ● Military Population: 25.2%
   ▪ Ballots rejected of ballots cast –
      ● General Population: 2.66%
      ● Military Population: 4.65%
   ▪ Of the cast ballots rejected, those rejected for late return or undeliverable –
      ● General Population: 43.3%
      ● Military Population: 73.5%

● Just bringing military voter participation rates up to those of the general population would enfranchise hundreds of thousands of military voters.

   ▪   Raising military voter turnout from 20.4% to 38.9%: 256,000 additional military votes cast
   ▪   Raising military absentee ballot cast rate from 25.2% to 85.8%: 420,000 additional military votes cast
   ▪   Reducing military votes rejected from 4.65% to 2.66%: 27,000

additional military
votes cast

- The military voter population is heavily concentrated, especially in Texas and Florida.

  - Those two States represent 30% of the total military voter population.
  - They also represent about 30% of the military dependent voter population.
  - Florida alone has more military voters than California and New York combined.
  - The top six States (Texas, Florida, California, New York, Illinois, and Pennsylvania) have 50% of the total military population.

Voting Assistance Program Performance

- The military voting process is complex, laborious, and prone to error.

- Despite concerted effort and increasing resources applied by the Federal Voting Assistance Program (FVAP) to military voting assistance, the program still consistently fails to reach and inform military voters.

  - Only 5% of unit Voting Assistance Officers (VAOs) had delivered Federal Post Card Applications to military voters by the mandated deadlines.
  - Just 33% of military voters even know about the Federal Post Card Application (FPCA), or its purpose.
  - 31% know about and understand the availability and purpose of the Federal Write-in Absentee Ballot (FWAB), the military equivalent of a provisional ballot.

- Across the board, from 2002 to 2006, despite significant increases in resources dedicated to the Voting Assistance Program and major programmatic changes, Voting Assistance Officer performance continues to hold relatively steady at very low rates, or has actually worsened.

- Outside reviews of the Voting Assistance Program do not believe any more efficiency or program improvement can be gained from the current program.

- Although ancillary issues associated with the Voting Assistance Program have a small impact on military voter participation, by far the most significant factor is the time it takes for ballots to be physically delivered to and returned from operationally deployed military voters.

The Political Landscape on Reforming Military Voting

- Congress is sharply divided on this issue roughly:

  - Roughly a third of those staff interviewed believe the Department of Defense is almost criminally negligent in their execution of the Voting Assistance Program.
  - Another third believe the Department of Defense is doing all it is required to do, and all that is desirable to have the Department of Defense do. This group ascribes

military disenfranchisement to military personnel who don't take advantage of the voting assistance programs offered.

- The final third is relatively ambivalent on the issue – believing military disenfranchisement is shameful, but don't believe any of the current solutions offered are palatable. This group is especially leery of any more federal mandates.

● Conflicting and incomplete data on the extent of military disenfranchisement, and of FVAP's performance, leads many policy experts to argue to postpone any decisive reforms of military voting processes while awaiting better data.

● Because of this lack of unified support for reform, significant federal preemption on the military voting process is unlikely to pass Congress.

● State and local officials try to assist military voters as much as possible, and are usually supportive of accommodating military voters. But the political necessity to guard their States' Constitutional authority over the method of elections, lest small, multiple federal encroachments weaken their claim to that authority, greatly hinder State election officials' ability to undertake the substantive standardization necessary.

● That same political necessity to protect States' election administration authority also hinders any federal agency from exercising the necessary leadership to bring about the necessary standardization or harmonization of the States' competing system.

● A States-originated Uniform military voting process may be able to overcome those fears of federal preemption and develop sufficient political support to be widely adopted.

● States and Local Election Officials (LEOs) are anxious to engage federal authorities in improving the military voting process, but need to feel that they are a partner in the process, not a subordinate.

● Electronic support for voting, especially Internet voting, has become entangled in the broader issues of DRE machine performance, voter verification paper trails, and a general distrust of any system that does not produce a paper ballot.

- The Department of Defense does not have enough at stake with military voting to invest the political capital necessary to bring greater electronic voting into existence over the visceral opposition of its most virulent critics. As many military officials often say, they "don't have a dog in this fight," and because of that, engaging in this issue to the extent necessary is not a rational cost-benefit decision.
- Both the *Voting Over the Internet Report* and the unpublished draft Department of Defense response to the SERVE Security Peer Review Group Minority report were well documented, reasonable, consistently developed explanations of the Department's technical certification process and security protections.
- But the Department's repeated refusal to engage critics on these issues highlights the apparent political cost-benefit decisions against doing so.

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- Many critics of military electronic voting programs will not accept greater electronic voting under any circumstances, regardless of any limited application to military or other voters eligible for protection under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). These critics apparently believe the current and foreseeable architecture of personal computers and the Internet are inherently incapable of providing the necessary security for voting.

- If proponents of greater electronic support for military voting are to succeed, especially with actual Internet or electronic voting, they will need to build a sufficiently powerful group of technically credible supporters and approving experts to effectively marginalize the opponents.

Potential Solutions

- A three part strategy is necessary to bring about the substantive reform necessary to improve military voter participation:

    1. **Raise the Issue's Visibility.** By engaging political campaigns and parties, leveraging existing military voter support tools to support those parties, bringing this issue to popular culture, and developing alliances with key military advocacy groups, the political visibility of this issue can be raised sufficiently to garner sufficient political support for change.

    2. **Provide Immediate Marginal Solutions.** Such political support cannot be sustained without at least some marginal, but immediate improvements in military voting. This is especially important in breaking down barriers with States and local election officials as military reform efforts move forward. The Federal Write-in Absentee Ballot, key pilot projects in support of different steps in the electronic voting process, and reducing number of undeliverable ballots are three areas to assist States and LEOs, and ensure their election administration concerns are also addressed.

    3. **Bring About Long-Term Structural Change to Military Voting.** Regardless of the short-term and marginal improvements made, it is only in standardizing the requirements for military voting across the States, and in dramatically shortening the absentee ballot delivery times, that substantial improvement in military voter participation will be seen. Organizing a national Uniform State Act initiative through the National Conference of Commissioners on Uniform State Laws, restructuring the Department of Defense's Voting Assistance Program to allow for greater State and LEO participation and control, and broadening the participation in the debate over electronic voting standards can all move the States toward such a goal.

Section I. The Extent of Military Disenfranchisement

One of the most controversial questions regarding military voters is the most basic: how many military personnel actually vote? At the optimistic end of the spectrum, the Federal Voting Assistance Program reported military voter participation in the 2004 election was 79%, 15 percentage points higher than the general population's.[1] But more pessimistically, the Defense Manpower Data Center reported only 22% of the active duty military voted in the 2006 election, 17 percentage points below the general population.[2] Much of this difference simply lies in the underlying definitions of "voter participation." Contrary to almost every standard definition of voter participation, the Federal Voter Assistance Program (FVAP), includes

> …those who voted by absentee ballot, those who voted in person, and **those who attempted to vote. Attempted to vote covers those instances where ballots arrived late or not at all**. This could be caused by a number of factors to include lack of sufficient ballot transit time because of late primaries, last minute challenges to ballot access and position, printing delays; mail delays; mobility of the voter; ballot request was close to or after the State deadline; request was illegible, contained insufficient information, or was not received by the local election official; voter registered in a jurisdiction in which he/she was not eligible to vote; or the voter did not update his/her mailing address.[3] [emphasis added]

It is this broad definition that likely produces such a high voter participation rate, relative to other data appears to reinforce the low military voter participation figures. Such figures are seen throughout any analysis of UOCAVA and the process it directs to regulate the military voting process. Under UOCAVA all uniformed service members and their dependents are categorized under the uniformed service voters, and overseas civilians are given similar protection in their own category.

Comparing the two Election Assistance Commission (EAC) surveys for 2006 is illuminating. First, EAC is careful to define its definitions of voter participation specifically, so as to be precise in its estimations. First, unlike many other voter participation estimates, EAC uses the Citizens of Voting Age Population (CVAP) instead of simply the entire population, or even the entire Voting Age Population (VAP) as other estimates may. Given the large number of non-citizen immigrants in the United States, this is a significant difference – 299,398,484 total U.S. population, approximately 225,664,000 VAP, and about 206,286,000 CVAP for the 2006

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[1] Polli Brunelli, *The Federal Voting Assistance Program, 17th Report* (Washington, DC: Department of Defense, Federal Voting Assistance Program, October 2005), p. ii.

[2] Defense Manpower Data Center, Human Resources Strategic Assessment Program, *2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees*, Survey Note No. 2007-010 (Washington, D.C.: May 7, 2007), table 1.

[3] Brunelli, *The Federal Voting Assistance Program, 17th Report*, p. 2

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elections,[4] an 8.6%, or more than 19.3 million person, difference between VAP and CVAP. This gap between VAP and CVAP, presumably made up of non-citizen immigrants and felons who have lost their franchise, also represents 6.58% of the total U.S. population.

With approximately 31,000 non-citizen immigrants serving on active duty in the U.S. military,[5] the military CVAP for the 2006 election was about 1.325 million men and women.[6] From this population, the EAC 2006 survey found that 992,034 Federal Post Card Applications (FPCAs) were requested from all three UOCAVA populations – domestic military (including dependents), overseas military (including dependents), and overseas civilians.[7] However, only 374,679 of those UOCAVA ballots requested were actually categorized in the data collected and reported by the States to the EAC.[8] Of those that were categorized, 141,317 were from domestically-stationed military voters, 107,449 were from military personnel stationed outside the United States. Overall, 66.5% of the total categorized UOCAVA ballots requested were from military voters.[9] Extrapolating this percentage to the entire UOCAVA ballot request population indicates that approximately 695,000 military voters requested absentee ballots under the UOCAVA system.

This 695,000 represents 52.5% of the military CVAP, and is roughly comparable to the absentee ballot request rate for military voters. However, the Defense Manpower Data Center estimated that seven per cent of the total military population voted in-person in the 2006 election.[10] Assuming an equivalent in-person voter turnout for the military as a percentage of registered voters as reported by the EAC for the general population in 2006 (47.5%[11]), the total military

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[4]

U.S. Election Assistance Commission, *The 2006 Election Administration and Voting Survey: A Summary of Key Findings* (Washington, D.C.: December 2007), figure 1, p. 3.

[5]

Valerie Alvord**, "**Non-citizens fight and die for adopted country," *USA Today* (April 8, 2003), http://www.usatoday.com/news/world/iraq/2003-04-08-noncitizen-usat_x.htm**,** accessed 10 March 2008

[6]

David Chu, *2006 Population Representation in the Military Services* (Washington, D.C.: Office of the Under Secretary of Defense, Personnel and Readiness, February 1, 2008), tables B-22 and B-30, (from http://www.defenselink.mil/prhome/PopRep_FY06/ (accesses March 4th, 2008)) minus 31,000 non-citizen military service members.

[7]

U.S. Election Assistance Commission [EAC], *UOCAVA Survey Report Findings* (Washington, D.C.: September 2007), p. 1.

[8]

Ibid., Table 22.

[9]

Ibid., Table 22.

[10] Defense Manpower Data Center [DMDC], *2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees*, Survey Note No. 2007-010, table 1, p. 2.

[11]

population of registered voters is approximately 896,000 service men and women.[12] That represents a total registration rate for the U.S. military CVAP of 86.8%, and which is actually greater than the 83.8% registration rate for the general population.[13]

To the extent that the Federal Voting Assistance Program is only charged to provide military voters the *opportunity* to vote, it appears they are achieving their mission. However, the Department of Defense Directive governing the Federal Voting Assistance Program goes further than that, making it policy that "Every eligible voter shall:…Be given, unless military necessity precludes it, an opportunity to register and vote in any election for which he or she is eligible"[14] and places an affirmative duty on FVAP, in executing the DoD Voting Assistance Program, "to assist those personnel to vote."[15]

It is between the voter registration/absentee ballot request, and the actual receiving and casting of a ballot, that the current military voting assistance program breaks down. For the general population, over 85% of the absentee ballots requested for the 2006 general election were cast.[16] But for the military, only slightly more than 25% of the UOCAVA absentee ballots requested by military personnel were cast. Although EAC reports that, "Domestic military voters who requested ballots had 56.3 percent of their ballots cast or counted…overseas military voters had only 47.6 percent of their requested ballots cast or counted",[17] this likely grossly overestimates the percentage of military ballots cast from requested. As is detailed later in this analysis, **the proportion of UOCAVA ballots requested that were uncategorized as military or civilian in the EAC data is almost twice as large as the proportion uncategorized of ballots cast**. The end result is that a large number of ballots cast that were categorized as military ballots were likely uncategorized as ballots requested.

EAC, *The 2006 Election Administration and Voting Survey: A Summary of Key Findings*, p. 12.
[12]

695,703 military personnel requesting UOCAVA ballots + 199,884 directly registered military voters. The second number was calculated by taking the seven per cent of military population voting in person (7%*1,356,201 military CVAP = 94,934), and dividing it by the turnout per cent of registered voters amongst the general population (94,934/47.49% = 199,884).
[13]

EAC, *The 2006 Election Administration and Voting Survey: A Summary of Key Findings*, p. 12.
[14] Paul Wolfowitz, *Federal Voting Assistance Program (FVAP),* DoD Directive 1000.04 (Washington, D.C.: certified current April 23, 2007), sections 4.3 – 4.3.1.
[15]

Ibid,, section 5.1.8.
[16]

EAC, *The 2006 Election Administration and Voting Survey: A Summary of Key Findings*, tables 26 and 30b.
[17]

EAC, *UOCAVA Survey Report Findings*, p. 2

If instead the proportion of military ballots amongst all those ballots categorized is extended to the uncategorized ballots, then only about 25.2% of the military ballots requested were actually cast. As a percentage of military Citizen Voting Age Population, **that only represents a 20.4% voter turnout rate** when combined with the in-person voting explained above. And that correlates far closer to the much more statistically rigorous survey analysis conducted by the Defense Manpower Data Center than does the Federal Voting Assistance Program's flawed estimates of military voter participation.

Issues in Methodology

FVAP Voter Participation Estimates. In addition to FVAP's gross overestimation of military voter participation because of too broad of a definition of "voter participation," it's underlying survey methodology is fundamentally flawed. In its review of FVAP's *17th Report*, the General Accounting Office found serious flaws in FVAP's survey techniques:

- Because most of the survey populations had low response rates, "GAO has concerns about FVAP's ability to project changes in voter participation rates between the 2000 and 2004 presidential elections."[18]
- "FVAP did not perform any analysis comparing those who responded to the surveys with those who did not respond."[19]
- "FVAP did no analysis to account for sampling error...While techniques exist to measure sampling error, FVAP did not use these techniques in their report."[20]
- "FVAP also faced specific challenges in administering surveys to overseas citizens who voted absentee. In surveying overseas citizens, only a select number of embassies were chosen by DOS to administer the survey to overseas citizens...Only citizens who had previously registered with the embassy had a chance to participate in the survey...The absence of a listing of all civilians overseas certainly contributes to the possibility of error associated with using a sample of the population."[21]

Military and Military Dependent Voters. A significant problem with the Election Assistance Commision's 2006 election UOCAVA survey data is that it assumes all ballot requests and ballots categorized as "military" are, in fact, exclusively from military personnel. It does not differentiate between military personnel and the dependents of military personnel. Under UOCAVA, however, there is no difference as the Act provides the same voting rights and protections to both military personnel and their dependents. But for estimating military voter participation rates, assuming that all "military" UOCAVA FPCAs and ballots are from military

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Derek B. Stewart, *ELECTIONS: Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, but Challenges Remain* (Washington, D.C.: General Accounting Office, Defense Capabilities and Management, April 7, 2006), p. 6.

[19] Ibid., p. 10.

[20] Ibid.

[21] Ibid., p. 11.

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personnel, and not also from military dependents, may even further overestimate voter participation by members of the military since there are approximately 1.3 million military personnel, and 1.1 million military dependents. Regardless, since this analysis continues with that assumption, any error would be towards even further overestimating voter participation by military personnel. Given that even a 20-22% military personnel voter participation rate is already far below that of the general public's, any correction would only be more condemnatory of the Voting Assistance Program's ability to support military voters.

Variations in the Election Assistance Commission's UOCAVA Data. By EAC's own admission, "The quality of information regarding UOCAVA ballots is low," which "may artificially inflate or deflate the numbers reported."[22] Examples include:
-   Pennsylvania reporting all 21,970 of their UOCAVA ballots cast as uncategorized,[23]
-   Alabama, Connecticut, Kentucky, New Hampshire, Guam and Puerto Rico all reporting no UOCAVA ballots cast in 2006,[24]
-   Indiana reporting 3,335 UOCAVA ballots cast, but none counted in 2006, and only 2,663 ballots requested,[25]
-   Wisconsin reporting 168,573 UOCAVA ballots requested, all uncategorized[26] even though there are only an estimated 94,000 total UOCAVA voters.[27]

But in the aggregate, the numbers are remarkably consistent, especially in the percent of voting actions categorized as military or overseas civilian. Of the UOCAVA absentee ballots requested, cast, cast or counted, advance ballots transmitted, and Federal Write-in Absentee Ballots received, the percent of the data that was categorized was consistently about two-thirds military, ranging from a low of 64.7% (Advance Ballots Transmitted, Table 23) to a high of 70.6% (FWABs received, Table 24). The two standard deviation range was only plus-or-minus four percentage points, and the mean was 67%. Given this remarkable consistency, it appears reasonable to draw from the statistical aggregation of this data as indicative of the entire population.

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[22] EAC, *UOCAVA Survey Report Finding*, p. 2.

[23] Ibid., Table 19.

[24] Ibid.

[25] Ibid., Tables 19 and 20.

[26] Ibid., Table 22.

[27] J. Scott Weidmann to Kevin J. Kennedy, September 14, 2007, Letter to Wisconsin, at "Legislative Initiatives" Web page, Federal Voting Assistance Program Web site http://www.fvap.gov/services/init-pdf/tx08init.pdf, accessed April 20, 2008.

Section II. The Nature of the Military Voter

Under UOCAVA,[28] members of the uniformed services (United States Army, Navy, Marine Corps, Air Force, and Coast Guard, as well as the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration) and their dependents are eligible to vote by absentee ballot in primary, general, special, and runoff elections for federal office (President, United States Senator, and United States Representative).[29]

An active duty member of the uniformed services, or the voting-age family member of an active duty member, qualifies as an "absent uniformed services voter" under UOCAVA if he or she is "absent from the place of residence where the member [or family member of the member] is otherwise qualified to vote" because of the active duty of the service member or of the sponsor of the family member.[30]

Unlike the overseas civilians covered by UOCAVA, absent uniformed services voters need not be outside the United States, or even from the State where he or she is eligible to vote – only from their "place of residence." For most military personnel, that is their "Home of Residence," which is either the residence from which the entered active duty, or some other location at which they lived after joining the military, and to which they decided to change their home of residence.

Texas and Florida Together Home to 30% of Military and Dependents
Because Texas and Florida share the distinction of having a large concentration of military facilities, and not having a State personal income tax, many military personnel change their home of residence to those two States if and when they are stationed there. These two States, therefore, have almost 30% of the total military population claiming residence in them; 228,000 in Texas[31] and 194,000 in Florida,[32] representing respectively 15.5% and 13.2% of the total military populations. **Florida's military resident population is larger than the next two States combined, California and New York**, who share only 192,000 military residents between them.[33]

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[28] 42 U.S.C. 1973ff through 1973ff-6.

[29] 42 U.S.C. 1973ff-1(a)(1).

[30] 42 U.S.C. 1973ff-6(1).

[31] J. Scott Weidmann to Phil Wilson, September 14, 2007, Letter to Texas, at "Legislative Initiatives" Web page, Federal Voting Assistance Program Web site http://www.fvap.gov/services/init-pdf/tx08init.pdf, accessed February 20, 2008.

[32] J. Scott Weidmann to Kurt S. Browning, September 17, 2007, Letter to Florida, at "Legislative Initiatives" Web page, Federal Voting Assistance Program Web site, http://www.fvap.gov/services/init-pdf/fl08init.pdf, accessed February 20, 2008.

[33]

Equally significant, the dependents of those service men and women are disproportionately residents of those States, with an estimated 171,000 (or 15.7% of the national total) military dependents claiming residency in Texas,[34] and 146,000 (13.4%) military dependents claiming Florida.[35] And again, Florida's military dependent resident population is also the same size as the next two States' combined (again California and New York).

The significance of this concentration is that by focusing UOCAVA reforms and pilot projects on these two States, you can potentially reach 30% of the military population while only having to address two sets of State laws, voting systems, and government organizations. Expand this short list to only the next four most populous military resident States (California, New York, Illinois, and Pennsylvania) and the potential military resident population rises to 50% of the national military and military dependent populations.

Two-Thirds of Military Voters Do So by Absentee Ballot
Although about 1/3rd of the military voters that did vote in 2006 did so by voting in person,[36] more than 90% of those who voted in person did so because they were physically located in the United States. For those military personnel located overseas only 1% of that total voted in person (likely while on leave or temporary duty back in the United States). Therefore, for most military personnel, absentee ballots are the overwhelming method of voting.

Mr. Weidmann wrote letters to each State detailing their military, military dependent, and overseas civilian populations. All States' letter can be found at the FVAP website, http://www.fvap.gov/services/stateinitiatives.html.

[34] Weidmann, Letter to Texas.

[35] Weidmann, Letter to Florida.

[36] Seven percentage points of the 22% total active component military personnel that voted, voted in person. *2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees*, Survey Note No. 2007-010 (Washington, D.C.: Defense Manpower Data Center, Human Resources Strategic Assessment Program, May 7, 2007), Table 1, p. 2.

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Section III. The Military Voting Process Under UOCAVA

The military voter's absentee voting process parallels that of the civilian citizen; registration, application for absentee ballot, receipt of absentee ballot, and casting of absentee ballot. UOCAVA, however, provides both advantages and disadvantages for the military voter, in executing that process. Unexpectedly, FVAP reported that **only 64% of military personnel who voted by absentee ballot requested that ballot with UOCAVA's Federal Post Card Application**.[37] But since the UOCAVA provides the most legal voting rights protection for the military service member, only the military's Voting Assistance Program process will be detailed.

The current military Voting Assistance Program requires seven major steps and up to 13 discrete sub-steps, from deciding to participate in the electoral process to actually casting a vote. **At every step of that process, the diversity of State requirements and limitations of the Voting Assistance Program structure impedes the military voter from casting his or her ballot.**

Step 1. Starting the Process – Getting a Federal Post Card Application.
If the service member decides to participate in the election through the UOCAVA process, the first step is to get Federal Post Card Application (FPCA). FPCAs are supposed to be hand-delivered by individual unit Voting Assistance Officers (VAOs), to every service member, every year by January 15th (to cover the primary season), and in even numbered years by September 15th as well (to cover the general election). The main advantage of using UOCAVA's Federal Post Card Application (FPCA) is that the Act requires each State to accept "the official post card form … for simultaneous voter registration application and absentee ballot application."[38]

The problem is that annual Department of Defense Inspector General reports show a persistent failure of the Voting Assistance Program, particularly at the unit VAO level, to provide adequate assistance to military voters. Table 1 shows a trend analysis of the DoD Inspector General's annual report on a number of key elements of the Voting Assistance Program.

Table 1 [39]

Voting Assistance Program Requirement	2004	2005	2006
FPCAs delivered by 15 January	21%	24%	25%
Aware of FPCA Use and Purpose	55%	25%	33%

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[37]

 Brunelli, *The Federal Voting Assistance Program, 17th Report*, p. iii.

[38]

 42 U.S.C. 1973ff-1(a)(4).

[39]

 2004 data: U.S. Department of Defense Inspector General [DoD IG], *Evaluation of the Voting Assistance Program*, Report No. IE-2005-001 (Washington, D.C., March 31, 2005); 2005 data: U.S. Department of Defense Inspector General, *Evaluation of the Voting Assistance Program*, Report No. IE-2006-001 (Washington, D.C., March 31, 2006); 2006 data: U.S. Department of Defense Inspector General, *2006 Evaluation of the Federal Voting Assistance Program in the Department of Defense*, Report No. IE-2007-004 (Washington, D.C., March 31, 2007).

Aware of FWAB Use and Purpose	36%	25%	31%
FWAB received	35%	21%	21%

Most alarmingly, the number of personnel even aware of the FPCA form has fallen even while the Department of Defense attempts to strengthen the Voting Assistance Program. Further, the Inspector General found that in 2006, **only 5% of the unit VAOs surveyed had actually distributed the FPCAs by the January 15ᵗʰ deadline**.[40] Given these persistent problems, the Inspector General concluded the Voting Assistance Program was "Not Effective" and that because, "voting assistance will always be a secondary duty, senior leadership can expect significant improvement only if a radically different approach is applied."[41]

Even if the FPCAs were consistently delivered by January 15ᵗʰ, such a late date disenfranchises 455,000 military voters, and 350,000 military dependent voters, from participating in eight States' and the District of Columbia's primaries, all of which required absentee ballot applications by January 15ᵗʰ, 2008. This included Florida, New York, Virginia, and Michigan. Additionally, four more States, including California, required FPCAs to arrive to the LEOs only a week later, January 22ⁿᵈ. All together, these 12 States and the District of Columbia represent about 40% of the total military population, all of whom were effectively unable to participate in the Presidential Preference Primary elections because of the late date FVAP established for distributing FPCAs.[42]

Alternatively, the military service member can download a copy of the FPCA from the Federal Voting Assistance Program website, but while 62% of the military personnel the Inspector General surveyed in 2004 were aware of the FVAP website, only 18% were in 2005 and only 24% were in 2006.[43] Further, if the service member does find the FVAP website, it still takes at least three clicks to get to a blank pdf version of the form,[44] without also downloading the accompanying instructions.

Step 2. Read the Voting Assistance Guide.
FVAP produces each year the Voting Assistance Guide, a 460 page instruction that details the State-by-State procedures for filling out, executing, and sending in the FPCA and the Federal Write-in Absentee Ballot (FWAB). Once the service member gets a copy of the FPCA, he or she must then go to his or her State's five to ten pages of instructions to determine which FPCA

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[40] DoD IG, *2006 Evaluation*, p. 7.

[41] DoD IG, 2004 *Evaluation*, p. 17, 26.

[42] U.S. Department of Defense Federal Voting Assistance Program, *2008 – 2009 Voting Assistance Guide,* (Washington, D.C.: n.d.) at "Voting Assistance Guide" Web page, http://www.fvap.gov/pubs/vag.html, accessed March 10, 2008.

[43] DoD IG, 2004, 2005, and 2006 *Evaluations*.

[44] Which itself requires two clicks to bypass the more prominent link for "Are you a UOCAVA citizen?", which incredibly itself only leads the reader to the actual text of the UOCAVA law, but no layman's explanatory language as to what a UOCAVA voter is.

blocks to fill out. If accessed online, the service member has to know to go through the "Publications and Forms" link, and then to the "Voting Assistance Guide," and then scroll down the page since the link to each State's instructions is below the screen bottom. This takes a minimum of four clicks just to open up a five to ten page pdf file for his or her State. A synopsis of the different State requirements is provided at Appendix A.

While perusing the Voting Assistance Guide, the military voter must determine:

- Which blocks on the FPCA to fill out for his or her State;
- Whether a witness or notary is required by his or her State;
- The date by which the FPCA must be received in order to receive an absentee ballot for the primaries and/or the general election;
- After that receipt date is determined, the military voter must make a personal estimate of how long it will take for the FPCA to get to the local election official through the Military Postal System and the US Postal System, in order to determine by when the FPCA must be sent;
- Whether alternative methods of delivering the FPCA are allowed by his or her State, such as faxing or e-mail;
- Whether or not a physical copy of the FPCA must follow an electronically transmitted copy; and
- The mail address, fax number, or e-mail address to which the FPCA must be sent.

Surprisingly, of the FPCAs submitted, not many appear to be rejected, with Overseas Vote Foundation finding only 18 of 2,975 UOCAVA applicants (0.6%) having their absentee ballot application rejected. However, that analysis goes on to show that 1,746 of those respondents, or **59%, did not hear back at all from their local election official whether their application was even received**.[45] Considering that over 7% of all their survey respondents never even received a ballot, the large number of applications that were never confirmed may mask a larger FPCA rejection problem.

Significant evidence indicates that despite the training and assistance provided by unit VAOs, and the availability of the Voting Assistance Guide, UOCAVA voters have considerable difficulty filling out the FPCA correctly. Both the Federal Voting Assistance Program and Overseas Vote Foundation have surveyed LEOs regarding FPCAs, and both surveys show sizeable problems. Table 2 details their findings.

Table 2 [46]

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[45]

OVF 2006 Post Election Survey Results (Arlington, VA:Overseas Vote Foundation, February 8, 2007), found at
https://www.overseasvotefoundation.org/files/2006_OVF_Post_Election_Survey_Report.pdf, (accessed March 6, 2008), p. 13.

[46]

FVAP: Brunelli, *The Federal Voting Assistance Program, 17th Report* , Chart 11, p. 14; OVF: Susan Dzieduszycka-Suinat and Thad Hall, *2006 Post Midterm Local Election Official Survey Report* (Arlington, VA: Overseas Vote Foundation, 8 May 2007), p. 4.

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FPCA Problem	FVAP	OVF
Incomplete Forms	-	33%
Invalid Information	17%	10%
Illegible Information	22%	12%
Received Too Late	11%	-
No Signature	11%	-
No Political Party Preference	11%	-
No Social Security Number	7%	-

The end result is that at least **6% of military FPCAs received by LEOs in 2004 (or 11,182 total FPCAs) were not processed due to some error**.[47] If that rate held into the 2006 election, applying it only to the military ballot requests categorized as such by the Election Assistance Commission in their 2006 UOCAVA survey, would mean **more than 14,000 military FPCAs would be rejected**. But more than two-thirds of UOCAVA ballot requests identified by LEOs in that survey were not categorized as either military or overseas civilian. Extrapolating the military proportion across the uncategorized ballot requests as well indicates that more than 41,000 military ballot requests were rejected.[48]

Clarifying this data as to the actual number of FPCAs rejected, categorized by military or overseas civilians, instead of simply the percentage of LEOs that had this problem regardless of scale or trying to extrapolate across incompletely collected data, should be a future priority for data collection refinement.

Step 3. Execute the FPCA.
FVAP's data suggests a large number of FPCAs are rejected for lack of the military voter's signature (a problem which would be eliminated if FPCAs could be transmitted electronically through military computer networks that already use "Smart Cards" with automatic digital signatures). But beyond that, nine States, American Samoa, Guam, and Puerto Rico all require in some or all circumstances a witness or notary signature on the FPCA.[49] FVAP has legally designated all VAOs as notaries, as are all unit Legal Officers. Many States also allow any commissioned or non-commissioned officer to serve as a notary. Regardless, given the small number of States that require this, it is easy for a VAO or military voter who does strictly utilize the Voting Assistance Guide to miss this important requirement.

Step 4. Send in the FPCA.
Step 4a. Determine How to Send In the FPCA.

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[47]

Brunelli, *The Federal Voting Assistance Program, 17th Report*, p. 21.

[48]

EAC, *UOCAVA Survey Report Findings*, Table 22, p. 36.

[49]

American Samoa, Hawaii, Minnesota, Puerto Rico, South Dakota, and Vermont. *2008-2009 Voting Assistance Guide,* http://www.fvap.gov/pubs/vag.html, accessed March 10, 2008.

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Eight States allow military voters to send their FPCA in by e-mail, and 30 States and territories allow fax transmission.[50] But some require the paper copy to also be sent in, some only allow overseas military to do so, and some only allow such non-post transmissions with emergency declarations. Probably because of this difficulty, **84% of military voters in 2006 stayed with postal mail in requesting absentee ballots, while 11% availed themselves of the e-mail alternative, 3% by fax, and 2% using FVAP's Electronic Transmission Service**[51] (which takes fax or e-mail transmissions from military voters and forwards them to LEOs in either the fax or e-mail format required by that government). Again, the only way for a military voter to know if he or she can take advantage of methods other than the post is to refer to the Voting Assistance Guide.

FPCAs represent by far the largest utilization of fax, e-mail and the Electronic Transmission Service anywhere in the voting process, as the receipt of blank ballots and the transmission of voted ballots are conducted 95-96% of the time by postal mail alone.[52] This is likely to continue so long as UOCAVA voting procedures vary so widely across States, and post mail remains the apparently preferred receipt method for LEOs.

Step 4b. Determine When to Send in the FPCA.
This is a common problem for both the Presidential preference primaries, additional primaries, and general elections, but is most complex for primaries as they are not on a common date like the general election. 22 States and territories don't require the FPCA to be submitted to participate in the Presidential preference primary, and 11 don't require it for the general.[53] Most of those that do require generally require about a month prior to the election. Finally, although UOCAVA mandates that the FPCA serves as both a voter registration and absentee ballot request, many States still have different voter registration and absentee ballot request deadlines. For all of these, however, the only to know is to refer to the Voting Assistance Guide.

A major factor in the mailing deadline determination for the military voter, however, is accounting for the delays inherent in military mail delivery. For the 75% of military personnel still located in the United States, this is not an issue, as domestic mail service is relatively uniform and quick. But overseas military mail is transferred from the US Postal System to the Military Postal System Agency at three transfer gateways: New York, Miami, and San Francisco. Once transferred to military control, it is shipped through military logistics channels, and can be placed in a position of competing against military supplies for space. Furthermore, operational, hostile, and remote locations can delay mail delivery further. Because of that, the

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[50]

Federal Voting Assistance Program, "Electronic Transmission Alternatives by State," Web page, http://www.fvap.gov/ivas/fvap_state_menu.html, accessed March 10, 2008.

[51]

DMDC, *2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees*, p. 36.

[52]

Ibid., pp. 38, 40.

[53]

2009-2009 Voter Assistance Guide.

military standard for delivering mail to and from military personnel in combat zones is 12 to 18 days.[54]

Department of Defense officials claim that mail is transiting smoothly, even to remote operational sites in Iraq and Afghanistan, citing 11-13 day transit times.[55] However, the General Accountability Office determined that **the methodology the Military Postal Service Agency used to compute that average mail delivery time was fundamentally flawed,[56] and weighted to underestimate actual average transit times**. Because of this weighting error, a 23-day operational hold that was put on all military mail during the height of the initial Operation IRAQI FREEDOM invasion, was "not reflected in the transit time data, as the 'weighted average' methodology masks the calculation, thus significantly understating actual transit time."[57] In GAO's survey of military personnel in Iraq, "Nearly half said that, after arriving in theater, they waited more than 4 weeks to get their mail, and many commented that some mail took as long as 4 months to work its way through the system."[58]

The bottom line is that **the military voter cannot reliably estimate when his FPCA will get to the LEO, or even if it will**. FVAP does encourage military voters to submit FPCAs early, and recommends they use e-mail, fax, or the ETS where possible. But given the overwhelming proportion of military voters that still use post mail, and the significant numbers of LEOs that report FPCAs arriving after the absentee or registration request deadline, this information effort is failing. This follows with the Department of Defense Inspector General's finding that, **"despite a good effort on the part of the VAOs, they only reach about 40 to 50 percent of their uniformed target audience, and considerably less of the dependent audience.** This could be why voters are not aware of the procedures or deadlines."[59]

Step 5. Await Confirmation of Registration and Absentee Ballot Request.

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[54]

   Army Field Manual 12-6 states, "the standard of service for first class mail is 12 to 18 days from the point of origin to individual soldiers worldwide." Chapter 6, "Doctrinal Requirements and Standards of Support" section, at http://www.globalsecurity.org/military/library/policy/army/fm/12-6/Ch6.htm#top, accessed February 29, 2008.

[55] Barbara Barrett et. al., *Military Postal Service Task Group, Report to the Secretary of Defense*, Report FY05-5 (Washington, D.C.: Defense Business Board, December 2005), Part I, p. 5.

[56]

   Neal P. Curtin, *OPERATION IRAQI FREEDOM: Long-standing Problems Hampering Mail Delivery Need to Be Resolved* (Washington, D.C.: General Accountability Office, Defense Capabilities and Management, April 14, 2004), p. 2.

[57]

   Ibid., p. 12.

[58]

   Ibid., p. 15.

[59]

   DoD IG, *2004 Evaluation*, p. 22.

UOCAVA only requires the local election official to notify the military voter if his or her FPCA is rejected.[60] That will leave the vast majority of military service members unaware if or if not they are registered, and whether or not they will receive an absentee ballot. Only 42% of the Overseas Vote Foundation survey respondents said they were notified one way or another on their application by their local election official.[61] Many States and local election officials have, "Am I Registered?" websites, but only 4% of the OVF survey respondents used them, if they were even available.[62]

Without some type of confirmation that the local election official, the individual military voter has no idea, without personally contacting the election office, as to his or her registration and absentee voter status. Given the vagaries of military mail detailed above, it is not reasonable for a military voter to assume that the rejection-only notification requirement under UOCAVA is sufficient, or that they can assume their registration a absentee ballot application have been accepted. Further, only by submitting an FPCA to the election official at least 30 days prior to the election does a UOCAVA voter have the legal right to use a Federal Write-in Absentee Ballot (FWAB).[63] Therefore, ensuring receipt and acceptance is vital not only to receiving a full absentee ballot, but also to even maintaining the right to vote in the federal elections alone with an FWAB.

Step 6. Receive an Absentee Ballot.
Step 6a. Determine the Method to Receive a Blank Ballot.
Although the military voter has little or no control over this step of the process, it is in many respects the most vital, and the most precarious. In 2004, **14% of the military voters had not received their absentee ballot by the end of October. 66% did not receive it at all until October**.[64] In 2006, Overseas Vote Foundation found that 63% of voters who did receive a ballot did not receive their ballots until October or later, and 26% of those were the second half of October or later.[65] Amongst all UOCAVA voters, OVF found that in 2006 a sum of 10% never received their ballot (7.2%) or received it too late (2.8%).[66]

Thirty-five States and territories allow military voters to receive blank ballots via fax, and 13 allow transmission of blank ballots by e-mail.[67] For those that only allow one or the other, or to

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 42 U.S.C. 1973ff-1(d)

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 OVF 2006 Post Election Survey Results, p. 13.

62

 Ibid., p. 12.

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 42 U.S.C. 1973ff-2(b)(2)(B)

64

 Brunelli, *The Federal Voting Assistance Program, 17th Report*, pp. 17-18.

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 OVF 2006 Post Election Survey Results, p. 18.

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 Ibid.

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assist local election officials in getting blank ballots to military personnel, the FVAP Electronic Transmission Service can also accept blank ballots by e-mail or fax, and forward them to military voters by e-mail or fax, depending on State election requirements. Further, in 2006, FVAP operated two versions of the Integrated Voting Assistance Program (IVAS), commonly referred to as Tool 1 and Tool 2. Tool 1 was an online system that allowed military voters to directly send and receive voting materials, including blank ballots, by e-mail and fax with their LEO. Tool 2 was an online application whereby blank ballots were loaded by local election officials onto the system's server, and the military voter downloaded it. No direct unsecured communication took place.

Despite the availability and widespread advertisement of these systems, **only 1% of military voters received their ballots by IVAS in 2006**. 95% of military voters still received their ballots by post-mail directly from the local election official, 3% directly from the local election official by e-mail, 1% by fax directly from the local election official, and 1% by e-mail through FVAP's ETS system. None received it by fax through the ETS system.[68]

2006 IVAS Tool 1 was utilized by 470 jurisdictions in eight States. Because it used direct e-mail between the military voter and the local election official, FVAP does not know how many blank ballots were delivered. But likely because of the significant security concerns raised regarding military voters transmitting personally identifiable information over unsecured e-mails,[69] the system was only accessed 1,351 times.[70] For the IVAS Tool 2, late roll-out and limited participation (only three States) severely restricted participation, so that only 35 blank ballots were transmitted, and only 29 of those were even viewed by the military voter.[71] Of those viewed, only eight were voted.[72] This follows the equally abysmal record of the 2004 *Interim* Voting Assistance System (acronym also IVAS), where 108 counties in nine States participated for a total of 17 downloaded ballots.[73] Additionally, participating election offices stated the IVAS system was confusing and they didn't receive the passwords necessary to participate. Because of that, only 14 of 24 responding jurisdictions said they would want to

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[68] *2008-2009 Voting Assistance Guide.*

[69] DMDC, *2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees*, IVAS: p. 24; none-IVAS: p. 38

[70] See Joel Rothschild, *Independent Review Final Report for the Interim Voting Assistance System (IVAS)* (Washington, D.C.: Department of Defense, Office of the Principal Under Secretary of Defense for Personnel and Readiness, August 2006).

[71] David Chu, *Expanding the Use of Electronic Voting Technology for UOCAVA Citizens*, (Washington, D.C.: Under Secretary of Defense (Personnel & Readiness), May 2007), p. 14-15.

[72] Ibid., p. 16.

[73] Stewart, *ELECTIONS: Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens*, p. 3.

Chu, *Expanding the Use of Electronic Voting Technology for UOCAVA Citizens*, p. 14.

participate again.[74] For the ETS system, only 462 blank ballots were actually transmitted to military voters in 2006.[75]

Step 6b. Decide Not to Use Electronic Alternatives, and Wait on the Post Mail.
Despite the overwhelming reliance on mail to receive absentee ballots, this step of the voting process suffers from the same mail problems as was detailed in the FPCA section. However, it is intensified by the requirements under UOCAVA that if a military voter requests an absentee ballot, the local election official must send absentee ballots for the next two election cycles to the last known address.[76] This is one of the biggest items of contention amongst local election officials with the UOCAVA process. The Election Assistance Commission summed up their collective frustration, "It is unrealistic to keep sending ballots to voters who have moved: more than 35,000 ballots were returned as undeliverable."[77]

The problem is especially acute for military voters as the average operational deployment is 90 days to 18 months, depending on the Service, component, and area of operation. On top of that, it is rare for a service member to stay with one unit more than three years. The end result is that it is rare for a military voter to be with the same military unit between two Presidential election cycles, and two-thirds of military voters will likely have moved between any two general federal elections.

The 35,000 undeliverable ballots likely grossly underestimates the problem of military voters never receiving their absentee ballots. In the 2006 election, the Election Assistance Commission reported that over 992,000 UOCAVA ballots were requested,[78] but only 263,793 were cast.[79] Amongst military voters, the EAC claimed that 45.6% of the domestic military ballots requested were cast, and 39% of the overseas military ballots requested were cast.[80] By the EAC figures, this represents 142,000 military absentee ballots that were requested but not cast.[81]

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[74]

Ibid., p. 17.

[75]

Ibid., p. 9.

[76]

U.S.C. 1973ff-3(a).

[77]

EAC, *UOCAVA Survey Report Findings*, p. 3.

[78]

Ibid., p. 1.

[79]

Ibid., Table 19.

[80]

Ibid., p. 9.

[81]

Ibid., Tables 19 and 22.

But the EAC data for UOCAVA **ballots requested** has 62% of them uncategorized as either military or overseas civilian,[82] but only 39% of the **ballots cast** were uncategorized.[83] EAC did not make any allowance for that difference in comparing the categorized military ballots cast to military ballots requested. Because of that, a number of cast ballots categorized as military were likely uncategorized in the ballots requested data. Therefore, **the EAC data likely under reports the number of military ballots requested, and thereby overestimates the percent of military ballots cast from those requested**.

The EAC data is, however, tightly uniform in its aggregate percent of military across the different UOCAVA ballot data for the nation as a whole, varying between 64% and 70%. By extrapolating this military proportion to the uncategorized data as well, a more realistic analysis of military voting patterns emerges. First, instead of only 142,000 military ballots being requested not being cast, the total rises to **520,000 military ballots requested but not cast. As a percent, only 25.2% of military ballots requested were actually cast**.

Neither would the data indicate that military voters were failing to return absentee ballots received. Amongst the general population, 85% of the absentee ballots requested were returned.[84] It is not reasonable that the military would have a substantially different absentee ballot cast rate for ballots received, simply because they are the military. The more likely explanation is that the military voter never receives the absentee ballot, or receives it too late. More than 420,000 additional military ballots would have been cast in 2006 if military absentee ballot return rates were that of the general population's (85%).

Such a hypothesis is partially supported by comparing rates of rejected and undeliverable ballots between the general voting population and the military voting population. In the general population, 2.7% of the ballots were rejected,[85] 43.3% of those either because they arrived too late (28.6%), or because they were returned undeliverable (14.7%).[86] For UOCAVA voters, by comparison, only 23.1% were rejected because they were late, and 50.4% because they were returned undelivered (73.5% total for the two reasons).[87] Overall, therefore, UOCAVA voters were 70% more likely to have their ballots rejected for being late or never arriving than the general population. This tracks with research on California UOCAVA voters, where they were,

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[82]

Ibid., Table 22.

[83]

Ibid., Table 19.

[84]

EAC, *The 2006 Election Administration and Voting Survey: A Summary of Key Findings*, Tables 26 and 30b.

[85]

Ibid., Table 30b.

[86]

Ibid., Table 30c.

[87]

EAC, *UOCAVA Survey Report Findings*, Table 25b.

"two times more likely to not return a requested absentee ballot and approximately three times more likely to have that ballot challenged when compared to non-UOCAVA voters."[88]

Further, the time available for a military voter to receive his or her ballot in time to return it by the absentee ballot deadline is limited. The average number of days between when States send out their absentee ballots and when they are due is just over 40, with Illinois coming in at the top with 74 days, and Kentucky, North Carolina, Pennsylvania, and Washington all at or just over 50 days. Massachusetts and Rhode Island provide the least time with just 21 days. Given the mail delivery delays highlighted in the FPCA section, even that 40 day average leaves little room for mail service delays or voting process error. The Federal Voting Assistance Program's decision to accelerate the second FPCA drive for overseas voters to August 15th, however, should help those military voters take advantage of the additional time provided by the more generous States. [89]

Finally, mandatory absentee ballot transmission under UOCAVA doesn't appear to be uniformly enforced. Only 58.4% of local election officials sent absentee ballots in 2006 to military voters who applied in the 2004 election without their submitting another application. It is even worse for those jurisdictions with less than 25,000 total voters, where only 48.7% of them complied with the law. [90] Since this revision to UOCAVA was just passed in 2004, local election official knowledge of the requirement may not be universal, and these low rates likely don't indicate willful disobedience so early in the law's history. Regardless, this likely reduces military voter absentee ballot receipt even further.

Step 7. Vote and Return the Absentee Ballot.
If the military voter does receive a ballot, depending on the State they may or may not have a variety of options for delivering that ballot back to the local election official. 26 States and territories allow military voters to fax their voted ballot in, and eight allow the ballot to be e-mailed in. Almost all of these States limit these options in some way or another, and none of these options allow for the military voter to maintain a secret ballot. Where allowed, FVAP's Electronic Transmission Service can facilitate the fax and/or e-mail transmission of ballots.

Despite this, not many military voters took advantage of alternatives to postal mail in 2006, as "95% returned it by postal mail directly to local election official, 2% via e-mail directly to local election official, 1% via fax directly to local election official, 1% via fax using FVAP Electronic Transmission Service, and 1% via e-mail using FVAP Electronic Transmission Service."[91] This,

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R. Michael Alvarez, Thad E. Hall, and Brian F. Roberts, "Military Voting and The Law: Procedural and Technological Solutions to the Ballot Transit Problem," *Fordham Law Review,* Vol. 34, No. 3 (New York: September 20, 2007), p. 940.

[89]

Wolfowitz, *Federal Voting Assistance Program (FVAP).*

[90]

Susan Dzieduszycka-Suinat and Thad Hall, *2006 Post Midterm Local Election Official Survey Report* (Arlington, VA: Overseas Vote Foundation, 8 May 2007), p. 4.

[91]

DMDC, *2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees*, Survey Note No. 2007-010, p. 40.

and the relative lack of use of postal mail alternatives in other stages of the voting process, is largely due to the lack of options States allow.

But it is also due to the lack of access most personnel have to alternative delivery methods; **15% of military voters did not have access to official DoD e-mail, while five percent only had access less than 30% of the time.[92] 23% had no or little access to personal e-mail,[93] and 21% had no or little access to a fax machine**.[94]

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[92]

 Ibid., p. 12.

[93]

 Ibid., p. 14.

[94]

 Ibid., p. 20.

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Section IV. The Political Landscape for Military Voting

Per the Statement of Work, 28 meetings were held with potential strategic partners for a military voting project. Most were done face-to-face the week of March 17th, with either Michael Caudell-Feagan or Carolynn Race in attendance from Pew. Nine were conducted by Bob Carey on his own.

Overall Themes

Issue Awareness

Congressional staff were consistently aware that there is a problem, with the notable exception of the Armed Services Committee staff, who do not believe that there is a problem at all. A small, but dedicated, minority of Congressional staff are very concerned about the issue and are pushing reforms very hard. Some Congressional and interest group staffs were unaware of the extent of disenfranchisement, but the statistical information provided increased their interest considerably. Many asked for statistics relevant to their State.

Bipartisan Support

There is generally bipartisan support for this issue, but the potential for action varies by Committee. On the House side, both the Democrats and Republicans are engaged in this issue, especially on the issue of overseas civilian voters. The House Administration committee has taken Staff Delegation trips to talk with military personnel overseas about this issue and want to move forward on addressing the problems. The House Oversight and Investigation committee recognizes that there is a problem, but the Republicans feel that a hearing will only lead to a witch hunt instead of fixing the problem.

On the Senate side, the Majority staff of the Rules Committee are very interested in this matter, but the Republicans from the Senate Armed Services Committee do not believe there is a problem, believe Congress does not have the authority to change the process as it is a State-run process, and believe FVAP is fulfilling their obligations simply to provide military voters with the opportunity to vote.

Although meetings were held with the Republican National Committee and the McCain for President campaign, outreach efforts continue with the Democratic National Committee and the Clinton and Obama campaigns.

Federalizing the Military Voter as a Class

All parties agree that making the military a federalized class would not be embraced. Many thought it would become a politicized issue, and that the States would fight such a mandate vigorously as an encroachment on their sovereignty. Instead, a consistent message was heard to develop a multi-State initiative to change it from the State level up. Congress would be much more likely to enact changes requested by the States than to place broad UOCAVA mandates upon them.

Change Must Happen At the State Level

The Secretaries of State and local election officials are key to making any changes that will significantly increase the number of military ballots that are counted at election time. Staff

recommended that we encourage those Secretaries who are leaders in making these changes, to reach out to other States and raise this matter.

There was considerable interest in pilot programs, particularly those that PEW currently assists. There was also a lot of knowledge about the Operation BRAVO project and interest in its results.

Should DOD Be In Charge of FVAP?
While there was no silver bullet solution, many staff agreed that it may be asking too much of the Department of Defense to implement the voter assistance program. There were many questions raised about who else could take on this role, what would the cost be, how can it be improved.

Section V. Defining Military Voting Problems, Goals, and Solutions
The key to effective strategic planning is to tie proposed solutions back to defined problems, goals for fixing those problems, and measures of attaining those goals.

Goals & Measures
Military voting reform efforts can easily become sidetracked without clear goals and measures for achieving them. Developing the proper goals requires correctly identifying the key problems that cause abysmally low military voter participation.

Below are a series of Problem/Goal/Measure pairings, which will then be cross-referenced to the strategies and solutions proposed:

Problem 1.   Military personnel only vote at about one-half the rate of the general population (about 20-22% vs. 40%).
Goal 1:   Raise military voter participation rates (measured only by ballots cast) to the national average.
Measure 1:   1A: By 2008, raise military voter participation rate to 60% of national average.
1B: By 2010, raise military voter participation rate to 75% of national average.
1C: By 2012, raise military voter participation rate to national average.

Problem 2.   Thousands of military ballots are either undeliverable, or are delivered too late for the military voter to cast a counted ballot.
Goal 2A: Cut the undeliverable absentee ballot rate to that of the general population's.
Measure 2A: By 2010, reduce undeliverable ballots from 50% to 25%.
Goal 2B: Cut the late absentee ballot cast rate to that of the general population's.
Measure 2B: By 2010, reduce late cast military absentee ballots from 22% to 15%.

Problem 3.   75% of military absentee ballots requested are never cast.
Goal 3:   Raise military voter absentee ballot cast rates to the national average.
Measure 3:   3A: By 2008, raise military absentee ballot cast rate from 25% to 40%.
3B: By 2010, raise military absentee ballot cast rate from 40% to 60%.
3C: By 2012, raise military absentee ballot cast rate from 60% to the national average of 85%.

Problem 4.   The military voting process is laborious, confusing, and prone to error.
Goal 4:   Adopt national uniform military voting requirements
Measure 4:   4A: By November 2008, establish a national consortium of State government
                  associations, centered around a National Conference of Commissioners of
                  Uniform State Laws initiative, to develop a Uniform UOCAVA Implementation
                  State Act.
                  4B: By 2010, NCCUSL publishes their Uniform Act and 10 States adopt it.
                  4C: By 2012, 25 States adopt the Uniform Act.
                  4D: By 2014, all States adopt the Uniform Act.

Problem 5.   States and localities feel at odds with each other and the federal government
                  over military voting processes.
Goal 5:   Restructure the military Voting Assistance Program to incorporate far greater
                  interagency, State and LEO, and non-governmental organization participation.
Measure 5:   By 2010, establish a single, interagency federal-State-Local organization
                  responsible for all military voting assistance programs.

Strategic Summary

Below is an outline of the proposed Strategy:

Strategy 1. Raise the Issue's Visibility
    1.1. Engage Political Campaigns
        1.1.1. Offer campaigns the OVF FPCA software to license
        1.1.2. Provide Campaigns and Committees with Policy Issue Expertise
    1.2. Cooperate with Existing Voter Registration and Get Out the Vote Efforts
    1.3. "Fight for Your Vote"
    1.4. Military Disenfranchisement Press Conferences for Remaining Presidential
       Preference Primaries
    1.5. Engage "The Military Coalition" as a Partner
        1.5.1. Sponsor a Joint Reserve Officers Association – National Guard
            Association of the United States (ROA-NGAUS) Seminar for Hill Staff on
            Military Voting
        1.5.2. Convince the Military Coalition to Endorse Current Legislation

Strategy 2. Provide Immediate Marginal Solutions
    2.1. Federal Write-in Absentee Ballots/State Write-in Absentee Ballots
        2.1.1. Develop an Online FWAB/SWAB Ballot Tool
        2.1.2. Advertise the Availability and Use of FWABs/SWABs
    2.2. Support Electronic Voting Pilot Projects to Evaluate Key Proof-of-Concept
       Development Requirements
        2.2.1. Operation BRAVO Foundation
        2.2.2. Test Electronic Voting Concerns With the Online FWAB/SWAB
            Application
        2.2.3. Support a Full-Process, but Small-Scale, Internet Voting Project

2.3. Support UOCAVA Voter Verification Pilot Project
      2.3.1. Pilot a Military-State Voter Registration System Database Address
           Verification System
      2.3.2. Develop an "Am I Registered?" Tool
      2.3.3. Encourage the Department of Defense to Mandate New FPCAs at Every
           Change of Duty Station
2.4. Convince Department of Defense to Accelerate Voting Drives

Strategy 3. Bring About Long-Term Structural Change to Military Voting
3.1. Implement a Widely Accepted Uniform State Act on UOCAVA Implementation
3.2. Establish a Joint Inter-Agency Task Force on Military Voting
3.3. Develop a Rational Dialogue on Internet Voting That Produces Widely Accepted
    Internet Voting Standards

<u>Particular Strategies</u>

Strategy 1. Raise the Issue's Visibility
The most intimately involved policy advocates and decision makers are sharply divided on their perception as to the extent of this problem. For a large number of policy advocates and decision makers, especially in Congress, FVAP is doing their job well enough, this is a State issue, and no further federal action is necessary, or even desirable. In order to overcome such delusional opposition, the political visibility of this problem must be significantly raised in order to generate action. Three avenues of approach would increase this visibility: **Political campaigns and parties; existing get out the vote (GOTV) efforts; and a retail campaign** to raise public awareness and pressure on decision makers.

    Substrategy 1.1. Engage Political Campaigns
    For the political campaigns, the three major Presidential campaigns (Sens. Clinton, McCain, and Obama) are the logical first step. Specific avenues by which to engage them are:

        Substrategy 1.1.1. Offer campaigns the OVF FPCA software to license
        Not only is this a visible representation of their active involvement on this issue, licensing the software instead of simply providing a banner link back to the OVF website will also allow them to capture voter information entered on the FPCA for later voter mailing and GOTV efforts. A set prices should be established for all campaigns and offered across the board to avoid the appearance of political preference.

        Senator McCain's presidential campaign has started the investigation of licensing OVF's software. Outreach to Senators Clinton's and Obama's campaign has also been initiated, but with no response to date. Any assistance the Pew Center could provide in contacting the appropriate campaign staff to start a similar process would be helpful.

Similarly, the same offers should be made to the national political committees and their associated campaign committees. Again, given this author's professional history, meetings with the Republican National Committee has already conducted, and they are analyzing the OVF FPCA application for possible licensing. Further, since 36 of the State Republican party websites operate off of the RNC's base site, distributing that capability to the State Republican parties could be leveraged off of a RNC licensing.

Substrategy 1.1.2. Provide Campaigns and Committees with Policy Issue Expertise

Whether it be internal to the campaign with like-minded military voting advocates of differing political ilks, or external to the campaign with the Make Voting Work program providing support, this can be a potent campaign issue which can generate considerable earned media.

Recommended Next Steps:
1. License the OVF FPCA software to
    a. The Clinton, McCain, and Obama Presidential campaign committees
    b. The Republican and Democratic National Committees
    c. The Republican and Democratic House and Senate Campaign Committees
2. Provide expert policy support on military voter disenfranchisement to all the above committees
    a. Identify the politically compatible expertise that could assist each campaign
    b. Develop guidelines for providing such support and separating Pew and associated organizations from such support so as to not constitute a campaign contribution.
3. Meet with:
    a. The Clinton and Obama Presidential campaign committees
    b. The Democratic National and House and Senate Campaign Committees
    c. The Republican House and Senate Campaign Committees

Goals Supported:
Goal 1:   Raise military voter participation rates (measured only by ballots cast) to the national average.

Substrategy 1.2. Cooperate with Existing Voter Registration and Get Out the Vote Efforts

Groups such as League of Women Voters, Voto Latino, and Rock the Vote have well known voter registration efforts. However, those are generally focused on a much broader portion of the population. Military voter disenfranchisement, especially in a time of war, carries a particularly powerful political tone that far outweighs its relatively small size as a voting constituency.

One preexisting voter registration effort is the U.S. Chamber of Commerce's "Vote for Business" initiative. A unique aspect of it is its overseas outreach through its member multinational corporations. However, the Overseas Voter Resource link currently links to the FVAP website.   During the meeting with the Chamber, the staff was impressed with how much easier it was to fill out an FPCA through the OVF web site than through the FVAP web site. Licensing to them this software will give considerable visibility to OVF, as well as also provide outreach to the non-federal overseas civilian UOCAVA voter community.

Further, the Chamber is planning a summer Vote for Business voter registration bus tour to increase voter registration, distribute Chamber policy materials to likely business voters, and to raise the visibility of their program through earned media. Chamber staff were amenable to exploring additional stops at military concentration areas to also assist with military voting registration and voter education. Weekend stops at military exchanges and commissaries could increase the productivity of the buses focused on the weekday Vote for Business effort, while also raising the Chamber's visibility with an underrepresented community. Further, such an outreach could particularly target the estimated 1.1 million military spouses and dependents who have historically been under-serviced by military unit voting assistance officers, especially when deployed.

Last, to the extent that Pew could proportionally share the costs of the bus tour with the Chamber for the military services would reduce the Chamber's costs. Considering bus rentals start at about $2.90 per mile, plus the cost of the driver's berthing and per diem, a two-month, 10,000 mile trip could easily run $100,000.

Recommended Next Steps:
   4. License the OVF FPCA software to:
          a. The U.S. Chamber
          b. American Chambers overseas
   5. Ask the Chamber to encourage multinational members and American Chambers overseas to also license the OVF FPCA software for their own employees.
   6. Meet with the U.S. Chamber to explore co-hosting the bus tour, with the Pew focus on:
          a. Military voting registration with the OVF online FPCA tool
          b. FWAB education in case absentee ballots are not received
          c. Military concentration areas such as Norfolk, VA, Jacksonville, Tampa, and Okaloosa County FL, and San Antonio, TX.
          d. Military spouses and dependents

Goals Supported:
Goal 1:   Raise military voter participation rates (measured only by ballots cast) to the national average.
Goal 2A: Cut the undeliverable absentee ballot rate to that of the general population's.

Substrategy 1.3. "Fight for Your Vote"
Absent in much of the discussion about military voter disenfranchisement, and the groups with whom to partner, are the military voters themselves. Prohibited by the Uniform Code of Military Justice from organizing to request redress from superiors or from the government (it's considered mutiny), they are only left with their individual right of redress and petition with the chain of command and their Congressional representatives. Many military and veteran service organizations pitch themselves as the service member's voice exactly for that reason.

Although the focus of Pew's current effort is to examine what structural changes can be made to substantially improve military enfranchisement, most of those will require first raising the political understanding that there is, in fact, a problem that needs to be solved. The two programs proposed above will certainly help in raising the visibility amongst key policy decision makers and underrepresented communities, but will not have as much impact on the broader military population and the popular culture.

Inspired by the very successful "Rock the Vote," "Fight for Your Vote" would coordinate USO-like tours to domestic military concentration areas and possibly overseas with musical and comedy acts focused on raising voter awareness, educating military voters and dependents on FPCAs and FWABs, and educating military voters about alternatives to FVAP (or to highlight certain aspects of FVAP if their "IVAS Tool 3" is launched.) Focusing on country and urban music, it would differ from Rock the Vote by focusing on the predominant musical tastes in the military, and on the specific problems facing military voters.

It is not just Bob Hope and the USO that conduct overseas military tours. Stars and Stripes, the Intrepid Foundation, the Grand Ole' Opry, Country Music Television all have put together their own tours as well. Such an effort could also host concerts at the Democratic and Republican Conventions to reach out to party delegates and visiting Congressional staff. Overall, this would be a much more substantial retail effort than originally envisioned, but even a couple of concerts could help raise the visibility of this issue substantially, especially at the conventions.

Recommended Next Steps:
7. Find a "Fight for Your Vote" Partner
    a. USO
    b. Intrepid Foundation
    c. Stars and Stripes
    d. Country Music Television
    e. Rock the Vote
8. Identify a well known music star to headline "Fight for Your Vote" concert tour and Public Service Announcements.
    a. Country
        i. Toby Keith
        ii. Trace Adkins
        iii. Montgomery Gentry

b. Urban:
            i. 50 Cent
           ii. will.i.am
          iii. Usher
      c. Rock:
            i. Goo-Goo Dolls
           ii. Kid Rock

Goals Supported:
      Goal 1:   Raise military voter participation rates (measured only by ballots
                       cast) to the national average.
      Goal 2A: Cut the undeliverable absentee ballot rate to that of the general
                       population's.
      Goal 2B: Cut the late absentee ballot cast rate to that of the general
                       population's.
      Goal 4:   Adopt national uniform military voting requirements

Substrategy 1.4.   Military Disenfranchisement Press Conferences for Remaining
Presidential Preference Primaries

Between April and June 11 States and Puerto Rico will still hold Presidential Preference
Primary elections, as shown in Table 1 below. Each one of these represents an
individual opportunity to raise the public profile of this issue through targeted press
conferences around military concentration areas and major media markets.

Table 1. Presidential Primary Schedule

Month	Day	State
April	22	Pennsylvania
May	6	Indiana North Carolina
	13	Nebraska West Virginia
	20	Kentucky Oregon
	27	Idaho (Republican)
June	1	Puerto Rico (Democratic)
	3	Montana New Mexico (Republican) South Dakota

For example, the May 6, 2008 Primary in North Carolina could be used to highlight the
gap shown by the EAC 2006 survey data of military absentee ballots; Out of 30,000
military personnel, and 22,000 military dependents, only 9,600 requested military
absentee ballots. Of those 9,600, only about 2,500 actually had their ballots cast. That
means more than 7,100 North Carolina military personnel and dependents who wanted
to vote didn't get the opportunity.

Specific States on which to focus include North Carolina with its large military concentration, Nebraska with U.S. Strategic Command Headquarters, Kentucky with Forts Campbell and Knox, and New Mexico with three Air Force Bases and the White Sands Missile Range.

Recommended Next Steps:
9. Collect individual State data
    a. Military Personnel
    b. Military Dependents
    c. State specific turnout, absentee ballot return, and undeliverable ballot rates.
10. Prepare and distribute press releases two to seven days prior to the remaining primaries.

Goals Supported:
Goal 1:   Raise military voter participation rates (measured only by ballots cast) to the national average.
Goal 2B: Cut the late absentee ballot cast rate to that of the general population's.
Goal 4:   Adopt national uniform military voting requirements

Substrategy 1.5. Engage "The Military Coalition" as a Partner
The Military Coalition is an umbrella group of 35 Military Service Organizations. Their Personnel Committee has invited Pew to address them on Pew's military voter initiatives on May 14th. The Military Coalition could prove a valuable ally on a number of levels regarding military voting.

Substrategy 1.5.1. Sponsor a Joint Reserve Officers Association – National Guard Association of the United States (ROA-NGAUS) Seminar for Hill Staff on Military Voting
ROA and NGAUS are two powerful members of the Military Coalition, and ROA has very convenient offices and conference facilities across the street from Dirksen Senate Office Building. Such a seminar could provide useful education opportunities, earned media, and the tacit endorsement of this initiative with the most important military constituencies for Congress – Guardsmen and Reservists.

Recommended Next Steps:
11. Accept the ROA-NGAUS offer
12. Set a date for the seminar
13. Set a seminar agenda
14. Send invitations to Congressional staff
15. Alert the press to the seminar

Goals Supported:

Goal 4:   Adopt national uniform military voting requirements
Goal 5:   Restructure the military Voting Assistance Program

Substrategy 1.5.2. Convince the Military Coalition to Endorse Current Legislation

Besides the Maloney and Honda bills focused more on overseas civilians, Rep. McCarthy recently introduced the Military Voting Protection Act to mandate the express courier service delivery of military ballots. Rep. Maloney is also expected to introduce legislation shortly to make the Director of FVAP a Presidentially-appointed, Senate-confirmed position. Although these bills will likely not address the more fundamental issues that cause the largest portion of military disenfranchisement, they will put the Military Coalition on record in support of these principles and goals. If the iterative measures are unsuccessful in substantially improving military enfranchisement, it will place even greater pressure on them to endorse even more substantive structural change to the process.

Pew has been invited to address The Military Coalition's Personnel Committee on May 14th. This would be the opportunity to discuss specific legislative strategies and endorse the Maloney, Honda, and McCarthy bills.

Recommended Next Steps:
      16. Accept the invitation to speak May 14th.
      17. Develop Pew's own legislative strategy.
      18. Prepare the brief for the Committee.

Goals Supported:
Goal 4:   Adopt national uniform military voting requirements
Goal 5:   Restructure the military Voting Assistance Program

Strategy 2. Provide Immediate Marginal Solutions

The data is relatively clear that the great majority of the military disenfranchisement problem lies with the late printing and mailing of ballots, the time it takes under optimal conditions for paper ballots to transit the Military Postal System to military personnel and back to the LEOs in time to be counted as cast, and the lack of well-publicized, feasible alternatives. What is needed to fundamentally change the military franchise rate is to fundamentally change the method for military personnel to vote, or at the very least, fundamentally change the way military personnel get and return their physical ballots.

Substrategy 2.1. Federal Write-in Absentee Ballots/State Write-in Absentee Ballots

The 520,000 military personnel that requested military ballots but did not get to cast them did not have to stand idly by. So long as they had submitted their FPCA at least 30 days prior to the election, they could have submitted a Federal Write-In Absentee Ballot (FWAB) for at least the federal elections. Further, many States either allow FWABs to be used for State and local elections, or they have their own State Write-in Absentee

Ballot (SWAB). Again, however, lack of knowledge about FWABs, SWABs, and the difficulty of complying with the individual States' requirements make their use very low.

Substrategy 2.1.1. Develop an Online FWAB/SWAB Ballot Tool

With over 19,000 FPCAs completed and downloaded online since the September 2007 launch OVF FPCA tool, the demand for online UOCAVA voting tools is clear and growing. And with military use rising from 3% to 13% since the launch, more than 2,300 of those registrations have been military.[95] FWABs and SWABs, however, do not come with candidate lists, and although UOCAVA directs that, "Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot, if the intention of the voter can be ascertained"[96] the potential for challenging such ballots remains high, especially in light of the empirical evidence that UOCAVA ballots are challenged at a higher rate than non-UOCAVA voters. [97]

An online FWAB/SWAB tool would collect the various SWAB versions available, convert them and the FWAB to a form-fillable pdf file, and provide a race-by-race choice of candidates as they appear on the regular absentee ballots. As the UOCAVA voter made his or her choices, the pdf form would be filled out. After all races are voted or intentionally skipped, the UOCAVA voter would print download the pdf form, review it for accuracy, print it out, and send it in.

The biggest challenge in such an undertaking would be the considerable effort required to collect all of the races at the federal, State, and local levels, as they appear on the particular election jurisdiction's ballot, and then arrange them correctly for the voter to choose. Scaling such a project to only federal elections, confining it as a pilot project to a few jurisdictions, or a combination of the two, would substantially reduce the effort required. Regardless, the late availability of the ballots would require substantial and quick work in August and September to prepare the ballots.

Overseas Vote Foundation would be a natural host for such a service, given their robust architecture and experience with their FPCA tool. However, partnering with another organization like the League of Women Voters' Vote411, or Project Vote Smart, would enable leveraging off of their current candidate identification

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[95]

Susan Dzieduszycka-Suinat, "State_Voter_type.xls" Report for the *Register to Vote* application, (Overseas Vote Foundation, March 31, 2008). Web application at www.OverseasVoteFoundation.org.

[96]

42 U.S.C. 1973ff-2(c)(3).

[97]

Alvarez, Hall, and Roberts, "Military Voting and The Law: Procedural and Technological Solutions to the Ballot Transit Problem," p. 940.

and categorization. Scaling a project to a pilot of only federal candidates nationwide and one or two small States with SWABs could substantially improve military federal voter turnout while also providing a proof-of-concept demonstration for SWABs.

Recommended Next Steps:
19. Request OVF scope out such a project.
20. Decide on the breadth and depth of the tool.
21. Consider developing an RFP for other bids.
22. Approach Vote411 and Project Vote Smart for their support.

Goals Supported:

Goal 1:	Raise military voter participation rates (measured only by ballots cast) to the national average.
Goal 2B:	Cut the late absentee ballot cast rate to that of the general population's.
Goal 3:	Raise military voter absentee ballot cast rates to the national average.

Substrategy 2.1.2. Advertise the Availability and Use of FWABs/SWABs
Given the large number of military personnel who are unaware of the FWAB's existence, increasing military awareness of that alternative, and encouraging FWAB submission 30 days prior to an election if they have not received an official absentee ballot can ensure military voters don't wait too long for their absentee ballot. And regardless of the efficacy with which they fill them out, even a high number of rejected FWABs will highlight the imperfections of the system. But it will also increase military voter turnout.

This effort could be a key element of a "Fight for your Vote" tour ("Dare them to NOT count your ballot!!"). Further, Pew could support National Defense Committee's military blog outreach and military newspaper advertisement programs to directly reach military voters. Such efforts will provide military voters with alternative information to that provided by FVAP, including the OVF site, the usefulness of FWABs, and a possible FWAB site.

Finally, reaching the most military voters could be done through the most expensive method, advertising in the weekly *Army Times, Navy Times, Air Force Times,* and *Marine Corps Times* newspapers, *Stars and Stripes* newspapers, and base newspapers. Running a full back page advertisement in all four newspapers would run $18,830 per week. A half page interior advertisement would run $9,480 per week. Running more three weeks or more would gain a 3% discount, and six weeks a 6% discount.[98] For *Stars and Stripes*, half page ads in all three editions would run $3,609 per week.[99]

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[98] "2008 Rate Card," Military Times Media Group (at http://www.militarytimes.com/advertise/files/2008MTRateCard4.pdf accessed March 25, 2008)
[99]

EMPIRE CAPITOL STRATEGIES

Running a ½ page ad around the week of FVAP's Overseas Citizen Voting Week (around July 4th) and for two weeks Military Voting Week (around Labor Day), stressing the OVF FPCA web site, and then another three week run from September 15th on stressing the FWAB (with a potential web site), in both the Military Times Media Group and *Stars and Stripes* would cost $76.829. Adding in ad layout costs would likely raise that to $80,000. The fact that groups would find it necessary to run such ads for alternative services to what is an inherently governmental function would also serve to generate significant earned media with the Military Times Media Group papers.

Recommended Next Steps:

23. Develop advertisement lay-out
24. Determine schedule for advertisements
25. Place ads with both Military Times Media Group and *Stars and Stripes*
26. Publicize media buy

"2008 Rate Book," *Stars and Stripes* (Washington, D.C.: January 1, 2008) (at http://www.stripes.com/shop_pages/pages/General.pdf accessed March 25, 2008)

Goals Supported:

Goal 1:   Raise military voter participation rates (measured only by ballots cast) to the national average.

Goal 2B: Cut the late absentee ballot cast rate to that of the general population's.

Goal 3:   Raise military voter absentee ballot cast rates to the national average.

Strategy 2.2. Support Electronic Voting Pilot Projects to Evaluate Key Proof-of-Concept Development Requirements

Despite the clear technical feasibility assessments of FVAP's Voting Over the Internet Project report,[100] and the clear technical certification process FVAP provided in its unreleased SERVE draft report,[101] it is clear that neither FVAP nor the Department of Defense have the political stomach to pursue a complete Internet voting project, at least with this Administration. Further, a consistent theme amongst Congressional staff visits was the efficacy of iterative development, development of acceptable standards, and pilot projects. Three pilot projects stand out.

Substrategy 2.2.1. Operation BRAVO Foundation

Operation BRAVO Foundation (BRAVO – Bring Remote Access to Voters Overseas) overall seeks to "foster the grassroots exploration and development of practical and reproducible electronic solutions that can significantly improve the overseas absentee voting process. Solution projects will be structured as models that can be easily replicated using local and State procedures and infrastructure and will not require a federal government element for implementation."[102] Repeatedly mentioned by Congressional staff, and a popular program with the media, Operation BRAVO has come to be equated with its landmark project, the Okaloosa County, FL Distance Balloting Project.

Okaloosa County has a long history of electronic voting pilot projects, involved with SERVE, IVAS, and the most recent March 2008 EAC UOCAVA survey of States with electronic options. The Distance Balloting Project will take voting kiosks to military concentration areas in Germany, Japan, and the United Kingdom, to test the transmission of kiosk voted ballot results back to U.S.-based election officials on election day through a secure virtual private network connection. It also answers the critics of prior electronic voting projects by

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[100]

   Polli Brunelli, *Voting Over the Internet Pilot Project Assessment Report* (Washington, D.C.: Department of Defense, Federal Voting Assistance Program, June 2001)

[101] *Secure Electronic Registration and Voting Experiment,* Draft Report (Washington, D.C.: Office of the Secretary of Defense, n.d., but no earlier than January 21, 2004)

[102] Operation Bravo Foundation, "Solutions" page (at http://www.operationbravo.org/our_solutions.html, accessed March 28, 2008)

following the recommendation of the SERVE Project Scientific Peer Review Group's minority report recommendation to focus on a kiosk project "which does *not* rely on the Internet or on unsecured PC software" first.[103]

Pat Hollarn, County Elections Supervisor and member of the Overseas Vote Foundation Board, is the project advocate. She has partnered with Carol Paquette, former FVAP project director for SERVE and Voting Over the Internet. Election Trust and Scytl Secure Electronic Voting have partnered to provide the technical architecture and oversight of this project, while Dr. Alec Yasinsac, head of the Security and Assurance in Information Technology (SAIT) Laboratory at Florida State University, will provide technical evaluation.

Operation BRAVO Foundation is offering sponsor links through the general election for $15,000, all of which will go towards the Okaloosa Distance Balloting Project. Additionally, leveraging Pew's relationships in the academic community, especially through the Cal Tech/MIT Voting program could help flesh out Operation BRAVO Foundation's somewhat anemic technical support and certification program.

Recommended Next Steps:
27. Request Operation BRAVO Foundation scope-out resource requirements, especially for technical evaluation and certification
28. Engage CalTech/MIT Voting Project on providing technical evaluation support to Okaloosa Distance Balloting Project, and costs
29. Determine level and area of support or Operation BRAVO/Okaloosa Distance Balloting Project

Goals Supported:

Goal 1:	Raise military voter participation rates (measured only by ballots cast) to the national average.
Goal 2B:	Cut the late absentee ballot cast rate to that of the general population's.
Goal 3:	Raise military voter absentee ballot cast rates to the national average.

Substrategy 2.2.2. Test Electronic Voting Concerns With the Online FWAB/SWAB Application

One of the biggest concerns voiced regarding non-voter verified audit capability electronic voting (those without a paper ballot) is the possibility that malicious software could be used to change voters' preferences without them knowing. Building upon the technology developed in Substrategy 2.1.1 (Develop an Online FWAB/SWAB Tool), testing various malicious software methods against

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[103] David Jefferson, Aviel D. Rubin, Barbara Simons, and David Wagner, *A Security Analysis of the Secure Electronic Registration and Voting Experiment (SERVE)* (January 21, 2004), p. 1-2 (at http://servesecurityreport.org/ accessed September 30, 2006).

the FWAB/SWAB tool's security systems. Given that such a tool would still require the voter to print out, verify, sign and send in the FWAB/SWAB, it provides a ready voter verification paper ballot that can ensure voter preferences. This controlled environment allows the opportunity to test security systems, identify key security requirements, and evaluate the actual risk of vote changing as an interim pilot project.

30. Identify technical evaluation group to identify key electronic voting support elements to test on FWAB/SWAB web site.
31. Support that technical evaluation criteria development.
32. Develop appropriate measures for such criteria.
33. Implement a technical evaluation program with the FWAB/SWAB program.

Goals Supported:

Goal 4:   Adopt national uniform military voting requirements

Substrategy 2.2.3.   Support a Full-Process, but Small-Scale, Internet Voting Project

In the 2006 election, Hawaii was embarrassed by the EAC Survey report that out of over 18,000 military personnel, only 772 UOCAVA ballots were cast. The State has approached Everyone Counts to design and possibly execute an online election in 2008 for their UOCAVA voters. Hawaii represents a very good pilot partner with an overall small general population, limited election offices, and a large relative UOCAVA population. Everyone Counts represents a good pilot partner as an established Internet voting vendor who provide an alternative to the Scytl system.

This pilot is in its infancy, but interest from Pew with the possibility of support may provide Hawaii the resources and encouragement to pursue this aggressively for the 2008 election. The recommendation is to approach Everyone Counts and Hawaii, enquire as to the program, express interest, request support requirements, and start a dialogue towards eventual partnership. The goal would be to develop and evaluate a full voting process Internet application against the most common technical critiques of full Internet voting systems. Further, the goal would be to establish useful risk evaluation techniques and measures, both absolute and relative versus the current voting process.

Recommended Next Steps:
34. Re-approach Everyone Counts as to their and Hawaii's interest
35. Define breadth of goals sought
36. Request Everyone Counts scope out the project
37. Define resource requirements applicable to Pew goals
38. Negotiate level of Pew support

Goals Supported:

Goal 1:	Raise military voter participation rates (measured only by ballots cast) to the national average.
Goal 2A:	Cut the undeliverable absentee ballot rate to that of the general population's.
Goal 2B:	Cut the late absentee ballot cast rate to that of the general population's.

Goal 3: Raise military voter absentee ballot cast rates to the national average.

Goal 4: Adopt national uniform military voting requirements

Substrategy 2.3. Support UOCAVA Voter Verification Pilot Project
The UOCAVA voting process is rife with undeliverable ballots, poor communications, and little voter knowledge as to his or her registration and absentee ballot status. Providing tools for local election officials to confirm addresses would substantially improve absentee ballot delivery rates (and thereby, presumably, absentee ballot cast rates), and likely increase LEO compliance with UOCAVA's absentee ballot delivery requirements. Providing military voters information on their registration and absentee ballot status would bring undelivered or lost FPCAs to the voter's attention before deadlines passed. Finally, improving military voter communication with LEOs will reduce undeliverable absentee ballots and wasted LEO expenses.

Substrategy 2.3.1. Pilot a Military-State Voter Registration System Database Address Verification System
The Election Assistance Commission was particularly critical of the large number of undeliverable UOCAVA ballots in its 2006 Election UOCAVA Survey, while LEO frustration with those returned ballots was viscerally apparent in the report of the March 2008 EAC UOCAVA Symposium. With military personnel rarely staying at the same duty station more than two to three years, and typical operational deployments six to 18 months, at least one-third of military voters who send in an FPCA in January can be expected to have moved by the November election. And the General Accountability Office's analysis of the Military Postal System's ability to forward mail was also disappointing, with 59% of test letters never getting returned, and only one of 180 test letters sent to northern Iraq returned.[104]

But the Department of Defense's Defense Enrollment Eligibility Reporting System (DEERS) has all military personnel's current assignment and address. Further, FVAP currently assists LEOs by finding current addresses for returned absentee ballots. However, since absentee ballots are usually only sent 40 days prior to an election, by the time the LEO receives back the ballot, contacts FVAP, gets the address, and resends the ballot, the opportunity for the military voter to vote in time has likely been lost.

Prior to HAVA's requirement for State's to develop centralized Statewide Voter Registration System databases, it would have been administratively impossible for FVAP to coordinate military voter addresses with the more than 7,800 local election officials. Understandable military concerns over personal privacy and force protection could not be ensured with such a large number of enquiring

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[104] Curtin, *OPERATION IRAQI FREEDOM: Long-standing Problems Hampering Mail Delivery Need to Be Resolved*, pp. 5-6.

LEOs. Statewide centralization, however, provides the opportunity to leverage each State and territory's National Guard access to the DEERS database with the State's Voter Registration Database. As a State agency with periodic federal responsibilities, the National Guard provides the unique capability of access to federal systems with the ability to accept non-governmental funding and assistance, unlike the Department of Defense.

Such a pilot would focus on the nine States (Alaska, Arizona, Georgia, Hawaii, Kentucky, Minnesota, South Carolina, South Dakota, and West Virginia[105]) that didn't take advantage of the HAVA-authorized waiver for the 2004 election, often times because of a preexisting database. A Statewide Database administration could forward their database to their State's National Guard and have it compare the two databases for correct military personnel addresses before absentee ballots are sent. Since the National Guard would conduct the review, privacy and force protection concerns would be avoided. Results from this pilot could then be used to expand to new Statewide Voter Registration System States as their systems start operations. Last, given the maturity of each of these databases, developing an address verification interface would be relatively inexpensive.

Recommended Next Steps:
39. Approach all nine non-waiver States' as to interest in a pilot project.
    a. Voter Registration Database authority.
    b. Adjutants General
40. Engage Department of Defense in approving DEERS access for voter registration verification.
41. Define participating States.
42. Define Voter Registration Database verification procedures.

Goals Supported:
Goal 1:   Raise military voter participation rates (measured only by ballots cast) to the national average.
Goal 2A: Cut the undeliverable absentee ballot rate to that of the general population's.
Goal 4A: Adopt national uniform military voting requirements
Goal 5:   Restructure the military Voting Assistance Program

Substrategy 2.3.2. Develop an "Am I Registered?" Tool
The most common question received by the Overseas Vote Foundation online FPCA application help desk is registration verification enquiries. Many States and LEOs already have "Am I Registered?" services on their websites, but military voters often find those websites difficult to find, and limited funding and

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[105] William O. Jenkins, Jr., *ELECTION REFORM: Nine States' Experiences Implementing Federal Requirements for Computerized Statewide Voter Registration Lists*, Report No. GAO-06-247 (Washington, D.C.: General Accountability Office, February 7, 2006), p. 2.

a dispersed military population does not make individual State or LEO advertising cost-effective.

The Overseas Vote Foundation website, however, already has a Local Election Official database with websites, e-mail addresses and contact information for each relevant LEO, accessible simply by the military voter entering their Home of Record address. An "Am I Registered?" tool would build upon that with a specific home-page query link "Confirm My Registration," address entry, and direct linking to, in ranked order:

- The LEO's "Am I Registered" tool (with automatic entry of the military voter's address),
- The LEO's e-mail address if there is no tool (with a pop-up window explaining how to enquire),
- The LEO's website if there is no e-mail address (again, (with a pop-up window explaining how to enquire),
- The LEO's contact info if none of the other tools are available.

Although this tool does not provide full "Am I Registered?" services, it does provide a one-stop service for those military voters interested. But given the lack of expressed concern by military voters with this issue (it is more of an issue with overseas civilians), developing such a full service site would not be cost effective for solving the military voter problems that exist.

Recommended Next Steps:
    43. Request OVF to survey the LEO database for:
        a. Percent of entries with "Am I Registered?" tools at their websites
        b. Percent of entries with web sites
        c. Percent of entries with e-mail addresses
    44. Request OVF scope out the cost of developing such a site.

Goals Supported:
Goal 2A: Cut the undeliverable absentee ballot rate to that of the general population's.
Goal 2B: Cut the late absentee ballot cast rate to that of the general population's.
Goal 3:   Raise military voter absentee ballot cast rates to the national average.
Goal 4A: Adopt national uniform military voting requirements

Substrategy 2.3.3. Encourage the Department of Defense to Mandate New FPCAs at Every Change of Duty Station

Most military voters do not think of submitting a FPCA until the unit VAOs make their semi-annual registration drive. Further, the knowledge that one FPCA will bring absentee ballots for the next two cycles depresses FPCA submission. But simply convincing the Department of Defense to mandate the

submission of a new FPCA at every change of station during the administrative in-processing, would avoid the problem of military personnel moving after sending in an FPCA and likely reduce undeliverable ballots. Further, the submission of an FPCA should be mandated; Mandating submission does not require the service member to vote, only to receive a ballot. Considering that under the voluntary system military voter registration exceeds that of the general population's and approaches 90%, mandating FPCA resubmission should capture mostly already registered military voters.

Substrategy 2.4. Convince Department of Defense to Accelerate Voting Drives
As discussed earlier, starting the FPCA distribution and registration drive on January 15th of every even year is too late for many of the Presidential Preference Primary elections, potentially disenfranchising upwards of 400,000 military personnel. Moving the registration drive up to September or October of the year before a Presidential election to ensure full military participation in the early primaries.

Although UOCAVA requires local election officials to keep UOCAVA registrants on the voting rolls for two election cycles after the election for which a ballot was requested, regardless of whether or not future FPCAs are submitted, it is written so that only FPCAs sent in the same year as the election must be accepted. However, the high turnover in the military still requires new voters to be registered and provided the opportunity to vote. Coupled with the early Presidential primaries, this may require a minor legislative change to "election cycle" instead of "year" in order to provide adequate protections. Any of the current marginal issue bills (those of Reps. Maloney, Honda, and McCarthy would be first candidates) would provide an adequate vehicle, and the Members may prove useful allies in such an effort.

Recommended Next Steps:
45. Request one of the current bill sponsors to amend their bill to mandate a change to the "by hand" distribution deadlines on the Voting Assistance.
46. Engage FVAP on the need for changing their deadlines.

Goals Supported:
Goal 1:   Raise military voter participation rates (measured only by ballots cast) to the national average.
Goal 2A: Cut the undeliverable absentee ballot rate to that of the general population's.
Goal 2B: Cut the late absentee ballot cast rate to that of the general population's.
Goal 3:   Raise military voter absentee ballot cast rates to the national average.
Goal 4:   Adopt national uniform military voting requirements.

Strategy 3. Fundamentally Change the Structure of Military Voting.
The wide variety of State voting deadlines, requirements, and laws is a significant impediment to military voting. While State election officials jealously guard their Constitutional authority to determine the manner of elections, they also chafe under the dilemma of meeting UOCAVA requirements and living with the election laws provided. So long as current legislators are

elected by the current election laws, it is illogical to assume those legislators will want to change those laws. Further, there is not the political will in Congress to impose the level of mandates necessary to improve UOCAVA voting. Congress is looking at the States to define what they want for UOCAVA standardization, and the States are looking anywhere else for guidance and leadership on a political charged issue.

Because of this lack in leadership, the United States approaches its fourth federal election cycle since these issues were so vividly exposed in the 2000 Florida recount. FVAP gamely enters the fray with the States through its legislative initiatives, pleading with the States to make the changes necessary to provide for the military franchise, but with little success. As a federal agency, their actions are often seen as tantamount to federal preemption. Alternate institutions and structures are needed, ones arising from the States, to shift the debate and perceptions.

Substrategy 3.1. Develop a Widely Accepted Uniform State Act on UOCAVA Implementation

The Uniform Commercial Code is widely hailed as an example of States working together, without federal action, to implement uniform laws for the improvement of commerce and civil law. It is developed and maintained by the National Council of Commissioners of Uniform State Laws (NCCUSL). Drawing on considerable volunteer effort from State legislators and private sector lawyers, NCCUSL has been able to draft numerous Uniform Acts and Model Laws on a myriad of topics, ranging from child support enforcement, to weights and measures. They have also worked on specific voting and military issues in the recent past.

Given their strong opposition to federal preemption, NCCUSL is well trusted by the State legislators. Further, when a draft Uniform Law is adopted by NCCUSL, they then apply their lobbying resources to seek enactment throughout all States and territories. They also do not have a political reputation, and in fact are often used as a venue for bringing politically diverse constituencies together.

NCCUSL is holding its annual meeting in Big Sky, Montana, July 18-20, 2008, and proposals for new uniform law topics must be submitted by June 9th. The format for such a proposal is relatively simple, and NCCUSL staff recommend highlighting the limited scope of UOCAVA, the disproportionate impact of diverse State laws, and what support could be provided.

Such an initiative by NCCUSL would provide the leadership around which other State government organizations (such as Council of State Governments, National Association of Secretaries of State, National Conference of State Legislators, the National Association of Attorneys General) could rally. The ultimate goal would be the a Uniform UOCAVA Implementation Act with consistent timelines, requirements, and standards for UOCAVA registration, absentee ballot distribution (including electronic legal standards) and ballot voting. Interim goals could be adoption by 10 States in 2012, 25 States in 2014, and all the States by 2020.

Initial preparation of a proposal would take 20-40 hours, and you would likely require two presenters/staff to attend the annual conference, for a total cost around $15,000. If accepted (and the NCCUSL staff indicated they would very likely make a staff recommendation to accept this proposal), the process would be formally adopted in January 2009, Would be drafted by 2010, and published to the States by 2011 for inclusion in the 2012 election cycle law. Because of the significant volunteer resources, costs are usually down around $200,000 for the Uniform Act drafting, and another $200,000 for the Uniform Act lobbying support.

Recommended Next Steps:
47. Draft and submit the proposal by June 9th.
48. Attend the July 18-20 Annual NCCUSL conference.
49. Upon acceptance, build a coalition to support.
    a. Council of State Governments
    b. National Association of Secretaries of State
    c. National Conference of State Legislators
    d. National Association of Attorneys General
    e. The Adjutant Generals Association
50. Determine level of support to provide NCCUSL from Pew.

Goals Supported:
Goal 4:   Adopt national uniform military voting requirements

Substrategy 3.2. Establish a Joint Inter-Agency Task Force on Military Voting
Much of the criticism leveled at FVAP for their performance is because FVAP is forced to execute its mission in areas far outside the core responsibilities of the U.S. military. UOCAVA voting rights enforcement with the States is handled by the US Department of Justice, but engaging States on necessary changes to State law remains with FVAP. Additionally, because the Department can mandate a robust Voting Assistance Program in support of military personnel, it is also given the responsibility, but not the authority to compel compliance by other agencies, on establishing even uniform voting assistance programs outside of the Department of Defense.

But working in such traditionally non-military areas is no longer foreign to military personnel. The tactics and operations required by modern counter-insurgency operations require military personnel to operate across a number of civil affairs operational areas. Almost every military Joint Task Force has a Civil-Military Operations Center, while the two main counter-drug organizations are standing Joint Inter-Agency Task Forces, commanded not by military officers, but by a senior Drug Enforcement Agent. The Secretary of Defense is authorized to establish Joint Task Forces directly, and is not obligated to name a military officer commander.

Such a Joint Inter-Agency Task Force for Military Voting (pronounced "gee-AT-aff" and would soon be called simply JIATF-Vote) would not only be able to integrate representatives from the other federal agencies on the staff (to assist with overseas federal employees) but the JIATF and Civil-Military Operations Center (CMOC)

constructs allow for other levels of government, as well as non-governmental organizations, to be formally brought into the military planning and decision-making process without having to go through the administrative law requirements. Through such a construct, overseas civilian and military support organizations, long having to operate as adversaries of FVAP through the regulatory public comment process, could now be brought in as partners. This could be especially effective in pursuing FVAP's legislative initiative programs, because now the States and LEOs could be brought into the military command structure, see first-hand the execution of FVAP's programs, and be given an opportunity to execute and modify that process. Paralleling such efforts with the NCCUSL Uniform Act process could be especially productive.

Goals Supported:
Goal 4:   Adopt national uniform military voting requirements
Goal 5:   Restructure the military Voting Assistance Program

Substrategy 3.3. Develop a Rational Dialogue on Internet Voting That Produces Widely Accepted Internet Voting Standards

For the most part, the two sides of the Internet voting debate have been talking past each other. For the opponents, most dramatically represented by the SERVE Security Peer Review Group minority report, led by Avi Rubin, this goes far beyond simply Internet voting, to electronic voting in general. For example, many States use DRE machines without voter verification audit paper trails for their election day polling places. Despite the fact that such machines, regardless of voter verification capability, are the standard for all general voters, opponents such as the SERVE Security Peer Review Group minority report see this as an opportunity to bring about the broader voting change they desire:

> DRE (direct recording electronic) voting systems have been widely criticized elsewhere for various deficiencies and security vulnerabilities: that their software is totally closed and proprietary; that the software undergoes insufficient scrutiny during qualification and certification; that they are especially vulnerable to various forms of insider (programmer) attacks; and that DREs have no voter-verified audit trails (paper or otherwise) that could largely circumvent these problems and improve voter confidence. All of these criticisms, which we endorse, apply directly to SERVE as well.[106]

On the other side of the issue are those that, regardless of the well publicized endemic security faults of PCs and Windows-based systems, believe that full remote, home-based Internet voting is feasible, secure, and desireable right now. Such proponents often argue, logically, that any alternative voting system should only be evaluated against the current voting system, and not some desired voting system. But then they fail to provide the relative risk analysis upon which such comparisons would be made.

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[106] Jefferson, Rubin, Simons, and Wagner, *A Security Analysis of the Secure Electronic Registration and Voting Experiment (SERVE)*, p. 1.

To overcome this issue, a broader information technology industry group must be engaged. The Internet voting community is too small, too tightly associated with voting machine vendors, and too nefarious in the public's opinion to be of much use in this debate. Rather, broad-based leaders in the information technology community must be engaged to help define the required standards for internet remote voting. Such groups could include the Business Software Alliance, the Technologies Industry Association, the Information Technology Association of America, and the Internet gambling industry through the American Gaming Association.

Pew possesses the reputation for seriousness necessary to elevate this issue to a higher and broader level, and bring these wide-ranging groups into what is traditionally seen as a niche market. Further, such groups can give rational, critical, and most importantly, credible analysis to the hyperbole that suffices for debate on this issue. Finally, engagement by such large groups will help bring the Department of Defense out into the open on this issue. Both the *Voting Over the Internet Report* and the unpublished draft Department of Defense response to the SERVE Security Peer Review Group Minority report were well documented, reasonable, consistently developed explanations of the Department's certification process. But the Department has repeatedly refused to engage critics on these issues, likely because it is not worth the political capital, in their estimation, to win such battles, especially when military voting is anywhere near a core competency for the Department of Defense.

Goals Supported:
Goal 4:   Adopt national uniform military voting requirements

Appendix A: Synopsis of Individual State Requirements for Military Voting

Embedded is an Excel spreadsheet detailing individual state requirements for military voters. Double click on the embedded file to open.

State by State UOCAVA.xls

Appendix B: Potential Strategic Partner Individual Meeting Notes

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These minority staff members thought the most important thing was that there would be no movement on more robust military electronic voting until the industry was endorsed the necessary technology and there was unanimity within the technology industry in overcoming the opposition to online voting/registration. This would be the only way to overcome the lock-step academic opposition, where it lies. The best way to do that was through pilot programs, but specific use of IVAS Tool 2 would need local election official concurrence – it could not be mandated.

Further, they did not believe there was the political will in Congress to force federalization of the process on the States. There was, in their opinion, too much agreement on the principle of local control of the election process. And, as one Stated, "This is one area where it is inappropriate for DOD to lead the nation." They recommended that National Association of Secretaries of State concurrence would be key to any uniform process for UOCAVA.

As for non-military access to the DEERS database, they did not think that possible at first, but did soften in their opposition as the new centralized State Voter Registration System was discussed. Comparing the States' data against the DEERS database was more likely than comparing the DEERS database against the States' Voter Registration System.

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There was a clear bipartisan support for resolving this issue, which showed in their questions, demeanor, and joint approach. Overall, they shared the frustration over this issue, but did not believe it was as a big of an issue as others may perceive. Specifically, they believed the military's Voting Assistance Program was working well, as evidenced by their meeting with a couple of Voting Assistance Officers (VAOs) at overseas bases. Although we did not challenge them directly during the meetings on this, their experience is likely not representative since the military is only going to show Congressional staff the most motivated and successful VAOs.

The staff questioned why this could not be done over the Internet in general or over military networks in particular. The staff used the example of a sailor on a submarine who do not have access to mail for over three months at a time. However, the staff also raised concern regarding a "digital divide" amongst election officials where some in rural areas only have dial-up or slow DSL service. On specific electronic solutions, the staff did not understand why FVAP could not accomplish with FPCAs what OVF had already done. The group was also very interested in the Operation BRAVO initiative, and in seeing those results after the 2008 election.

Minority Elections Counsel Tom Hicks agreed that consistent UOCAVA rules across States would be helpful, but warned against forcing something on local election officials. Further, he asked who should administer the military's Voting Assistance Program if not FVAP. Along those line, he was very interested in the required resources (funds, personnel, time, and technology) for any potential solution. Finally, he did agree that it should not be much of a stretch to ask for more consistent rules across the States, and that the HAVA amendments to UOCAVA opened for greater process consistency for the military voter.

The staff discussed their April hearing on overseas civilian voting, and the opportunity that presented to discuss various proposals. However, the staff, both majority and minority, did not see any significant changes being made prior to the 2008 elections. They did, however, hope to impact the 2010 and 2012 election cycles.

EMPIRE CAPITOL STRATEGIES

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None of the staff believe federalizing the military voting process has sufficient political support, and attempting to do so would only look politically expedient. Instead they recommended "Shaming the States" into doing something and rewarding such behavior.

Chairman Waxman holds the key to doing anything on this issue for their Committee, but they were concerned his involvement would quickly devolve into a witch hunt. Therefore, instead they recommended looking at best practices, rewarding success, and making recommendations on how to fix the problem.

Specific questions raised by the staff:
  - Does DOD have the ability to track how many absentee ballots are sent back?
  - Is there a way to put a barcode on the ballot to notify the election official that the ballot has been sent by the military voter?
  - Has the number of overseas civilians has increased?

Statistical or informational analysis is a good avenue of approach with the House Oversight Committee. They were also very interested in the Operation BRAVO program and thought it could be a good model for other States to use if it is successful.

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Ms. Chan was particularly interested in marrying a redacted version of the DEERS database with State election information to ensure that State officials have the most up-to-date addresses. The Minnesota program to update that State's voter registration rolls through Post Office change of addresses was discussed as an example of sharing federal and State information.

Ms. Chan was much more amenable to the issue of federalizing this class of voter in particular, and to having different voting rules and process for military and civilians; she accepted the argument the military have little choice on being absent from polling places on election day.

She did warn of significant pushback from the States if mandates were imposed and thought soft standards might be better. She recommended a concerted outreach to States to see the realm of the possible. Overall, she stressed that the public discourse needed to change first on this issue, and that and studies/pilot programs will help. She was very interested in the Pew pilot programs and believed that based on their success, it would build confidence on a large scale basis in other States.

Rep. Joe Sestak

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Rep. Sestak's district is 65% Republican, and he is only the second Democrat to be elected since the Civil War. He was not fully engaged on the issue, but recommended contacting Pennsylvania Adjutant General Jessica Wright and Rep. Sestak's District Director Bill Walsh. He would also reach out to them. He also asked for Pennsylvania military voting statistics which have already been provided.

EMPIRE CAPITOL STRATEGIES

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Given the very large active duty population in the Hampton Roads district, this office is just starting to get involved in this issue at the urging of John Davis of The Military Coalition. Their analysis is at the early stages, but is focusing on electronic voting support.

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Representative Maloney and her Chief of Staff Ben Chevat have been intimately involved with OVF and this issue for years. The discussion focused on potential new legislation that Rep. Maloney may offer to reform FVAP by making the Director position a Senate-confirmed Presidential appointment, and establishing a Board of Governors for FVAP.

He was also very interested in learning who the other involved staff were, all of which have been provided him. Finally, he recommended that the Department of Defense Inspector General investigate what he believes to be the wasteful travel spending of Director Brunelli.

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The committee staff believe that we should be working directly with FVAP on this issue and that FVAP is not in the position to force the States to make changes. FVAP has model legislation and they have tried to engage the States on it. But both gentlemen surprisingly claimed that the SASC has no jurisdiction over this area so there is nothing they can do.

Overall, they believe FVAP has been successful in their limited responsibilities to only provide the opportunity to register and request absentee ballots. It is not FVAP's responsibility to ensure that those ballots are received or returned for counting.

The meeting started out quite contentiously, with both gentlemen appearing very defensive on the issue and for FVAP. But as Pew's iterative approach became clearer, their position softened, and they stressed the importance of starting small and focusing on pilot projects. However, they both were also very concerned with using the military a test group for fear it would be politicized by the media.

They believe FVAP is working harder and harder and there is no magic solution. In their opinion, the key is in the States, not the Department of Defense. The Secretaries of State need to be talking to each other and people need clarity of the rules. Obviously the finalized ballot and mailing deadlines are a problem. But they recommended focusing on enthusiastic States to serve as drivers. Alternatively, they believe that Ms. Brunelli is aware of all the issues, "Congress does not have a role in this. DOD has all the authority it needs to engage the States and is the executive agent."

They were interested in how Pew's pilot programs have avoided problems with State law. Mr. Caudell-Feagan noted that only happened in Minnesota where the Secretary of State is very proactive, otherwise they have made changes to practices which don't require new laws. As for Internet voting, both referred to the 2005 National Defense Authorization Act language delaying this issue until the Election Assistant Commission and NIST come up with new standards.

Senate Rules Committee

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This is not a partisan divide issue. But similarly, Ms. Gillespie stressed this is not just a military issue either, and that they should not be separated in the UOCAVA debate from the overseas civilians.

Key members of the Committee on this issue include:
- Senator Dodd, with his leadership on HAVA and interest in UOCAVA data collection.
- Senator Feinstein
- Senator Pryor
- Senator Nelson, also serving as Armed Services Personnel Subcommittee Chair
- Senator Stevens with his role on Appropriations.

Senate Rules Committee is looking to a Joint hearing with Armed Services on FVAP this year. They believe they will hold that in April or May, but they will defer to Senator Levin on timing.

Overall, Ms. Gillespie still believes that there is not strong enough data on the issue, nor a comprehensive enough factual summary. Developing both of these will help raise the visibility of the issue and support changes to the process. Mr. Ambrogi seconded that, stressing the multiplicity of State requirements and the need to do State-by-State data collection improvement. Both repeatedly stressed the hesitancy to try to move something without better factual backing of the need. As for broader change, both thought that such may require a more general "meltdown" of the UOCAVA voting process, but declined to define what that would entail. However, Ms. Gillespie did allow that if there were significant problems again in 2008, that may lead to significant legislative changes.

Both also stressed the need to engage, and get the backing of the States and localities for any national standards. Both thought the idea of a uniform State code intriguing, and recommended pursuing that. Regardless, whatever were to be adopted would require strong factual backing.

Ms. Gillespie in particular seemed ambivalent about federal preemption; arguing that it may very well be justified and pointing out the strong support for the HAVA federal UOCAVA standards in 2002, but then warning against pushing too far.

Specific Majority Senator concerns included:
- Wounded military service members rapidly moving through the medical system and not getting their ballots.
- The disenfranchisement caused by caucus States not allowing military personnel to participate by absentee, ranked ballot.
- Overseas civilians, and developing better data on them.
- Lack of access to embassies and consulates for voting information.
- The significant conflicts between UOCAVA data.
- Actual technical feasibility of Internet voting.
- Vote secrecy, especially for junior military personnel.

Finally, the both discussed the Ballot Integrity Act (S1487), and Title III's requirements for UOCAVA to not impose trivial ballot requirements, and to mandate greater State flexibility to the military voter in voting a Federal Write-in Ballot.

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Mr. Kramer highlighted the lack of understanding within Congress for the depth and breadth of the problem.   Form most Members of Congress, he stressed the overriding issue will be one of personal political relevance, and that such calculations will weigh heavily in determining possible involvement in the issue, regardless of party.

Although he did not indicate the Senator would take a leadership role on this issue, f legislation was offered, he believed the Senator would generally support, but could not commit until he sees the actual bill.

Military organizations and associations could be helpful – they talk with the Senator's office on a regular basis. "The more noise you make, the more you stoke the fire." He specifically agreed that the National Guard Association of the United States and the States' Adjutants General would be key allies to recruit in this effort. Tying this to current operational deployments and Guard mobilizations could help in that effort. Finally, he was very interested in the cost of potential changes.

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Brent Feurher, the regular Legislative Assistant on family leave, had drafted an amendment on this issue last year but it wasn't filed. Senator Inhofe's office is also interested in supporting an amendment but there has been no further discussion.

A letter is being drafted by Senators Sununu and Coburn that will be sent to the President regarding this issue. He believes the letter will help raise awareness.

The best way to raise the noise level is a letter writing campaign from military constituents, particularly Reserve Officer Association and National Guard Association of the United States membership. He has not heard anything about this issue except from us.

Andrew will check with Louisiana Secretary of State Dardin's office to see if they are doing anything. There have been a number of general problems post-Katrina regarding voting identification.

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Mr. O'Leary of Senator Coburn's staff took the lead in this discussion, but also stressed that Senator Allard will take the lead in the Senate since his retirement can help inoculate the issue from being dismissed as election year posturing. Given his long experience on this issue from his time with Senator Burns in the past, he will likely be a staff leader on this issue in the future.

The discussion focused on the scale of change necessary, politically feasible, and the optimal legislative strategy. Senators Mikulski, Durbin and Kerry were involved in the legislation in the 2002 HAVA debate, and it might be worthwhile reaching to their staff. In addition we should reach out to Senators Graham and McCain. Further, he thought that appropriations bills would be the only likely significant legislation to be passed this year. He also recommended pursuing significant election law change outside of election years.

Mr. O'Leary also suggested contacting the Iraq and Afghanistan Veterans of America, Veterans for Freedom and the staff formerly associated with the Dole-Shalala Commission on Veterans Benefits as potential partners.

In general, Mr. O'Leary is much more supportive of federal mandates and preemption, even attempting to invoke relief under the Voting Rights Act. He also felt that the Election Assistance Commission was not doing their job on this issue.

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Although the Senator generally is a States' rights advocate, this issue could be framed as a federal argument.

Specific recommendations were made to reach out to Secretary of State Gardner and General Clark, New Hampshire Adjutant General, to influence State changes and Congress.

Contrary to other staff, Mr. Kennett did not believe the political will to make UOCAVA changes existed outside election years, and that those were the years to push change. He also requested State statistics, numbers, and costs for the staff for review.

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An interesting approach offered by Ms. Bermingham was to frame this issue as, "The military is not a unique population, but a population that highlights the broader unique problem" of voter disenfranchisement. In general, she was receptive, but not overly interested in the issue. She would reach out to Senator Clinton's office as well as the Democratic Senatorial Campaign Committee and get back to us with the appropriate contacts.

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Discussions were held regarding the nature of FVAP's data and their Internet voting projects to date. Of note, Mr. Weidmann did state that their high voter participation rates were not statistically significant since it was a non-random, self-selecting sample, but that their figures were taken out of context.

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Discussions were held regarding the results of previous DoD Inspector General reports. From those conversations, two IG analysts were sent to the OVF Annual Summit in Munich. The 2007 year report was released on March 31st, too late for inclusion in this report's analysis. However, future year reports are going to look at trend analysis of FVAP's program, and the program's internal audits and controls.

Other Political Organizations

Republican National Committee
310 First St., SE
Washington, DC 20003
(202) 863-8700

Rich Beeson, Political Director
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Brian Walton, Director of Media Affairs
bwalton@rnchq.org

The RNC was very interested in the OVF site and at least licensing the software like one of the Secretaries of State. As for the use of the OVF software, they were very interested in capturing the voter data for voter identification in addition to registering the voter. They will have their technology and web site team review it and get back. They thought they could help market it with the State parties since 36 of them also run their State sites on the RNC architecture.

The two discussed that the National Republican Congressional Committee and National Republican Senatorial Committee are focusing on Maine, New Hampshire, Oregon, Colorado, New Mexico, Louisiana and Virginia.

They suggested also contacting:
- Republican Governors Association, Nick Ayers (the two specifically noted there will be 36 gubernatorial races in 2010)
- Republican State Leadership Committees, Ward Baker (former Marine)
- NRSC, Chris Carr
- NRCC, Bryan Walsh

McCain Presidential Campaign
P.O. Box 16118
Arlington, VA 22215
(703) 418-2008
F: (703) 413-0740

Orson Swindle, Director, Veterans for McCain
(703) 650-5599
C: (703) 945-6762

Evelyn McCafferty, Assistant General Counsel
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Marc Alvarez, Assistant General Counsel
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A wide-ranging phone conversation was held regarding the issue of UOCAVA voting rights and the OVF FPCA application. Mr. Swindle had to leave the conference call early, so the conversation focused with the Counsels on the voter registration services and the voter turnout come this fall. The McCain campaign approached OVF to explore licensing the software, and is currently in negotiations with them.

National Conference on Commissioners of Uniform State Laws (NCCUSL)
111 N. Wabash Ave., Suite 1010
Chicago, Illinois 60602
F: 312-450-6601

Michael Kerr, Legislative Director/Legal Counsel
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Michelle Clayton, Senior Counsel, Legislative/Scope & Program
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NCCUSL is a 116 years old non-partisan organization that helps States develop model uniform legislation, especially in support federal systems with rules that are consistent from State to State. During a phone conversation, NCCUSL was interested in exploring a UOCAVA implementation and standardization project, and would want to bring it up at their July 18 Annual Conference in Big Sky, Montana.

I am meeting with the staff face-to-face on April 10th in Chicago.

Military Service Organizations
Reserve Officers Association
LTG Dennis M. McCarthy USMC (Ret.)
Executive Director
Reserve Officers Association
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dmccarthy@roa.org

Given ROA's long history of support to the National Defense Committee on this issue, and Sam Wright's numerous legal service articles on this issue in "The Officer" magazine, General McCarthy was very well versed in the issue, and stated ROA would do anything it could to help. He stressed that the military voting issue is a problem Stateside as well as overseas, and wanted to focus efforts on not overlooking that point.

General McCarthy offered to co-host with the National Guard Association of America (NGAUS) a half-day forum for Congressional staff He then reached out to NGAUS President, General Steve Koper, to broach that idea.

Fleet Reserve Association/The Military Coalition
John Davis, Co-Chair of the Military Coalition
Director, Legislative Programs, Fleet Reserve Association
125 N. West Street
Alexandria, VA 22314
(703) 683-1400 x-110
F: (703) 549-6610

Mr. Davis indicated that the House Armed Services Committee majority staff has some interest in this issue, but needed greater education on the need for federal intervention. The Senate Armed Services Committee staff, however, does not believe there is a problem. Overall, he felt there is a general reluctance to federalize the military voting process and that States would deeply oppose broad UOCAVA mandates.

Overall, he did stress that the level of education regarding military voting process failures was not well understood and needed to be highlighted. In brainstorming, he suggested Ike Skelton, Duncan Hunter, McCue, Susan Davis, John McCain, Jim Webb as potential advocates for change in Congress.

After the meeting, Mr. Davis arranged for our group to meet with Rep. Thelma Drake's staff, and has tentatively scheduled Pew before the Personnel Committee of The Military Coalition for May 14th.

National Guard Association of the United States (NGAUS)
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president@ngaus.org

General Koper agreed to co-sponsor a briefing event with the Reserve Officers Association. He also recommended inviting Nolan Jones with the National Governors Association who works with NGAUS, as well as reengaging with the Secretaries of State, who he believes are "way out in front on cyber issues." General Koper believes the ultimate goal is electronic voting.

Finally, he referred us to Colonel (Ret.) Pete Duffy of the Adjutants General Association to engage specific TAGs.

Operation BRAVO

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Carol A. Paquette
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With one of the largest military populations in the country, Okaloosa County, Florida is embarking on an ambitious pilot project to take voting kiosks and election officials to three overseas military concentration areas (Germany, UK, and Japan), provide absentee voting via the kiosks to military and civilian Okaloosa County residents, and then test the proof of concept of transmitting the voted ballots back to Okaloosa County via a virtual private network connection on election day.

With significant volunteer and industry support, over $350,000 of volunteer services has already been provided. However, both Ms. Hollarn and Ms. Paquette stressed the need for additional funds to find sites off-military bases and advertise the availability of this system to Okaloosa County voters.

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Private Sector Organizations

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U.S. Chamber of Commerce

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F: (202) 463-3190

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Senior Manager, Grassroots and Advocacy Programs
(202) 463-5616
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Sara Raak
Manager, Grassroots and Advocacy Programs
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The Chamber has 790 subsidiary and partner organizations. Through them they have run a "Vote for Business" outreach plan which has an overseas civilian voter element, but their website currently links overseas voters to the FVAP site. Outreach to State Chambers and American Chambers internationally to raise the issue develop partnerships was discussed, where the potential to generate positive media for partnering companies, and their support of military voting rights, was stressed.

A demonstration of the FVAP versus the OVF site was conducted, and the Chamber staff was very impressed. They will considering at least linking to the OVF site, and possibly licensing the software for their own use. They will also review assisting with marketing to member multinational corporations and American Chambers of Commerce overseas.

The "Vote for Business" voter registration and education bus tour is planned again for the 2008 election cycle. We suggested they add military bases to their schedule and provide the opportunity for Pew to participate. Specific opportunities in the parking lots of military exchanges and commissaries, increasingly located off-base, could be leveraged from planned "Vote for Business" trips to nearby civilian areas. This would also create multiple opportunities for earned media and to maximize bus utilization.

The Chamber recommended contacting the X-Prize Foundation about establishing a competition to develop an acceptable internet architecture for online voting. Corporate partners of Home Depot, McDonald's, Denny's and Toyota were also suggested.

Overseas Vote Foundation
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Pew already has a very strong relationship with OVF, but specific additional discussions were held with Ms. Dzieduszycka-Suinat regarding the feasibility of another online application to support web-enabled completion of Federal Write-in Absentee Ballots and State Write-in Absentee Ballots. Although technically feasible, the biggest work process issue would be one of scale. The further down in the jurisdiction level the program went, the number of races would grow exponentially. Gathering all of that data quickly enough to get it in a format useable for filling out FWABs and SWABs will require a large number of data entry and candidate identification personnel. Scaling such a project, especially in a pilot phase, could substantially reduce costs and work effort.

Technology Organizations

E-Copernicus
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Mr. Rohde is former Commerce Committee Counsel to Senator Dorgan, and former Assistant Secretary of Commerce for Communications and Information. He now runs his own information technology government consulting firm and was involved in the 2004 Kerry Presidential Campaign.

The conversation focused on electronic voting support, and Mr. Rohde recommended engaging the IT industry in the effort. Specifically he recommended engaging the Internet gaming industry given the stakes of their business and his belief that they have the most secure systems available. He also recommended reaching out to former McCain staffer Grant Seifert, President of the Telecommunications Industry Association to see if anyone has already developed universal standards or if there is a voluntary industry working group that is working on technical standards. Finally, he recommended that the Business Software Alliance might be a good partner.

Finally, he recommended preparing for whomever wins this Presidential election on the assumption that any one of the three will be a reformer. Mr. Rohde specifically recommended preparing materials and people to support the Presidential Transition Teams and to get this issue to the front as a potential "low-hanging fruit" for early reform. Also politically, he recommended trying to make military voting an issue in Secretaries of State races.

Everyone Counts
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Mr. Degregorio is well known in the voting and UOCAVA communities as former Chairman of the Election Assistance Commission, and is now Chief Operating Officer of Everyone Counts. A similar, but alternative technology to Operation BRAVO's Scytl system, Everyone Counts has most recently conducted online elections for deployed Australian military personnel, the British Labor Party, and the Democrats Abroad 2008 Presidential Preference Primary election. Everyone Counts also has considerable experience in online elections for private sector organizations. Everyone Counts is currently exploring online voting pilot programs for the States of Hawaii and Nebraska, specifically for their UOCAVA populations.

References