

GAO

## Testimony

Before the Subcommittee on Military Personnel,  
Committee on Armed Services, House of  
Representatives

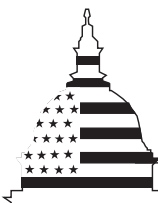
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# ELECTIONS

## Issues Affecting Military and Overseas Absentee Voters

Statement of David M. Walker,  
Comptroller General of the United States



G A O

Accountability \* Integrity \* Reliability

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Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the status and results to date of our ongoing work for this Committee on military and overseas citizens' absentee voting. This effort is part of a broad body of work we are doing to help Congress assess the need for changes in the procedures and equipment used to administer federal elections. As you know, the 2000 presidential election brought to light concerns about a number of issues, including the reliability of voting machines, training of polling place workers, and the extent to which local jurisdictions accepted votes from members of the military and civilians living overseas. As requested by the Committee, we are reviewing programs and policies in place to assist military and overseas citizens in voting. Our work includes site visits and interviews at state and county government offices, military installations in the U.S. and overseas, and U.S. embassies and consulates. We plan to summarize the results of this work in a report to the House and Senate Armed Services Committees in September 2001. That report will contain a more detailed description of our work, along with our conclusions and any appropriate recommendations.

The Uniformed and Overseas Citizens Absentee Voting Act of 1986 requires states to permit military personnel and their dependents as well as overseas citizens to vote absentee in federal elections. The act covers about 6.1 million citizens, including 2.7 million military members and their dependents at home and abroad and roughly 3.4 million citizens who reside overseas. The act also recommends that states adopt a number of provisions that facilitate absentee voting by these populations. The Secretary of Defense is the presidential designee with primary responsibility for educating and assisting voters covered by the act and for working with states to facilitate absentee voting. Voter education and assistance efforts for military personnel are largely implemented by the military services; the State Department assists overseas citizens and federal employees assigned to embassies and consulates.

My testimony today will address our preliminary observations on (1) the extent and quality of voter assistance for uniformed and overseas citizens, (2) challenges to these voters posed by state and local requirements, and (3) the extent of and reasons for disqualification of ballots cast by these voters.

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## Methodology

Information about the military services is based on questionnaires and discussion groups held with 970 officer and enlisted active duty servicemembers, 284 DOD civilians and dependents of active duty

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personnel, and 154 Voting Assistance Officers at 36 military installations and on ships around the world. We judgmentally selected installations from all services and in six countries (Germany, Italy, Japan, Korea, Turkey, and the United Kingdom). We asked installation officials to provide discussion group participants who met certain criteria such as being eligible to vote and deployed overseas during the 2000 election. We conducted our work jointly with DOD's Office of the Inspector General, which was requested by the former Secretary of Defense to review DOD's voting assistance program. Information about the State Department and civilian overseas citizens was derived from similar questionnaires and discussion groups held with federal employees and private citizens in six countries (France, Germany, Israel, Italy, Japan, and the United Kingdom) and 98 responses from a cable inquiry sent to the remaining 210 embassies and consulates around the world. We worked jointly with the State Department's Office of the Inspector General to collect this information. While we attempted to contact a cross section of potential voters from all the military services and citizens living overseas, their comments cannot be projected to represent anyone beyond those people with whom we spoke. Further, we visited 4 states—California, Florida, New Jersey, and Texas—and 16 counties within those states to obtain information on state and local procedures; this information cannot be projected beyond those locations. We selected California, Florida, and Texas because they have the largest numbers of potential military voters and chose New Jersey as an example of a state that has a smaller potential pool of military voters. Finally, our telephone survey of 179 local election offices, used to collect data on disqualified ballots, is ongoing.

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## Summary

The extent and quality of federal voter assistance for military personnel and overseas citizens varied considerably for the November 2000 general election. To its credit, the Department of Defense (DOD) has developed some useful information tools but many overseas military personnel we spoke to were unaware of them. Moreover, the military services did not always comply with DOD requirements to appoint and train Voting Assistance Officers (who are assigned this role in addition to their primary duties), brief military personnel on how to go about voting, or maintain sufficient supplies of voting materials, according to military voters in discussion groups we held at 36 installations around the world. Lack of emphasis by commanders and limited oversight by service Inspectors General and installation commanders appear to be the chief reasons why some military installations did not fully comply with DOD guidance on how voting assistance programs should be carried out. Finally, the State Department provided citizens abroad with a variety of useful information,

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according to overseas citizens and federal employees we spoke to, although more outreach could be beneficial.

Many states have worked with DOD's Federal Voting Assistance Program to implement some of the program's legislative initiatives that make it easier for military personnel and overseas citizens to register, obtain ballots, and vote; however, voters continue to face some challenges. Many military and overseas voters we spoke to expressed concerns about (1) varied state and local requirements for absentee voting, (2) the lack of feedback from local jurisdictions about the status of their applications for registration or ballots, and (3) the short time frame provided by many states and local jurisdictions for sending and returning ballots. Remedies such as extending deadlines for receiving ballots beyond election day—as is the case in 14 states and the District of Columbia—have led to requirements, such as postmarks on ballots to ensure that ballots were cast overseas and on time, which further complicate the process. Many states are examining the need for changes to their election processes, including requirements for absentee voting, as a result of issues raised during the 2000 election. Continued efforts by DOD officials to work with the states to simplify their procedures, modify their election schedules, or allow more use of technology such as faxing and the Internet to speed some portions of the voting process may help alleviate the challenges. However, security and privacy issues pose challenges to widespread use of the Internet for casting votes, at least in the near term, according to some DOD and state officials.<sup>1</sup> Moreover, state and local officials told us they must balance ease of voting with protecting the integrity of the voting process.

Information on the precise number of military and overseas absentee votes that local jurisdictions disqualified nationwide in the November 2000 election and the reasons for disqualification is not available. Many local officials we spoke to told us they did not track data on these specific groups of absentee voters and could not readily provide the data. While the available data on absentee voting is spotty, the preliminary results of our survey of 179 local election jurisdictions show the most common reasons ballots were disqualified are (1) the ballot arrived after the established deadline and (2) the envelope or form accompanying the ballot was not completed properly. In the two states we visited where extended

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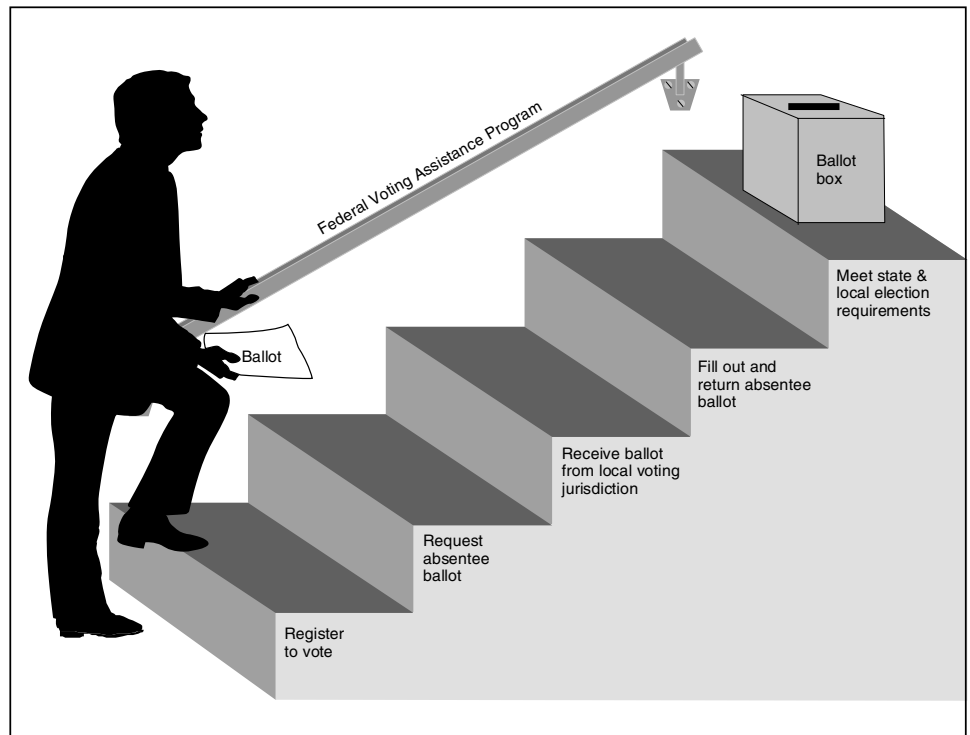
<sup>1</sup> We are reviewing technology issues as part of our ongoing work on election issues for the Senate leadership.

deadlines could make postmarking an issue (Florida and Texas), data on ballots disqualified due to postmarking was incomplete. Our limited review of military postmarking procedures after the election did not indicate that missing postmarks represented a systemic problem.

## Background

Voters, local election jurisdictions, states, and the federal government all play important roles in ensuring that ballots are successfully cast in an election. All military servicemembers and U.S. citizens living overseas who vote absentee face a multi-step process to comply with state and local voting requirements (See fig. 1). They must register and request absentee ballots, cast their ballots in accordance with administrative requirements (such as providing a signature or having the ballot appropriately witnessed), and send them in time to meet state deadlines. Military voters must plan ahead, particularly when deployed during elections. Moreover, military and overseas voters require more time to transmit voting materials because of distance.

**Figure 1: Steps in the Absentee Voting Process**



Source: GAO.

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The constitutional framework for elections contemplates both state and federal roles. States are responsible for administering state and federal elections and incur the costs associated with these activities.<sup>2</sup> However, Congress has authority to affect the administration of elections in certain ways. Congress' authority to regulate congressional elections is derived from the Elections Clause of the Constitution, which courts have held grants Congress broad authority to override state regulations in this area.<sup>3</sup> Congressional authority in presidential elections is more limited in the text of the Constitution.<sup>4</sup> However, although case law is sparse, the courts have upheld statutory provisions regulating presidential elections that go beyond the specific provisions in the Constitution, which only refer to the timing for choosing the electors.

Congress has passed legislation relating to federal elections, pursuant to its various constitutional powers. An example of such legislation is the Uniformed and Overseas Citizens Absentee Voting Act of 1986, which protects the rights of (1) uniformed servicemembers and all other voters living overseas and (2) uniformed servicemembers and their dependents within the United States but living out of their voting jurisdiction to vote by absentee ballot in federal elections.<sup>5</sup> Under the act, states must process valid voter registration applications received 30 days or more before the election. In addition, states must accept Federal Write-In Absentee Ballots for federal elections in the event state ballots are not received, provided the voter is registered, the state ballot application is timely, and the federal ballot is submitted from overseas. State law, in general, governs the processing and acceptance of all absentee ballots submitted under the act. Further, the act contains a number of recommendations to the states to facilitate voting by citizens covered by the act, including the acceptance of a Federal Post Card Application to simultaneously register and request absentee ballots. Finally, the Attorney General is given the authority to bring civil actions in federal court to enforce the act.

The Secretary of Defense implements his responsibilities as the presidential designee under the act through the Federal Voting Assistance

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<sup>2</sup> *Elections: The Scope of Congressional Authority in Election Administration* (GAO-01-470, March, 13 2001).

<sup>3</sup> Article I, Section 4, Clause 1.

<sup>4</sup> Article II, Section 1, Clause 4.

<sup>5</sup> 42 USC 1973ff-1973ff-6.

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Program, located in the Office of the Secretary of Defense's Administration and Management Office. With a fiscal year 2001 budget of \$5.1 million and a staff of 13, the program's mission is to inform U.S. citizens worldwide about their right to vote, foster voting participation, and work with states to simplify the registration and absentee voting process. The Federal Voting Assistance Program coordinates with DOD components and the State Department to provide information to military personnel who vote absentee and to U.S. citizens who reside abroad.

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## Extent and Quality of Programs to Assist Military and Overseas Voters Varied

The Federal Voting Assistance Program provides a number of useful information resources to voters and Voting Assistance Officers, but these resources are not highly utilized. While some military installations we visited generally met DOD's goal of providing information and assistance to voters, some installations did not meet DOD and service requirements because they did not provide sufficient numbers of Voting Assistance Officers, voting materials, and voter training. This variability in executing the program is due to a lack of command emphasis at some installations and lack of program oversight by some of the DOD components. American citizens overseas generally viewed the State Department's Voting Assistance Program as providing useful assistance but believed that dissemination of information on the right to vote and voting assistance resources could be improved.

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## Federal Voting Assistance Program Is an Underutilized Source of Information

The Federal Voting Assistance Program publishes a variety of useful information tools to inform voters worldwide about voting rights, but many of the overseas servicemembers we spoke to were unaware of them. Specifically, the program has developed (1) a Voting Assistance Guide containing state voting requirements, (2) a web site with voting information and links to state web sites, and (3) toll-free phone numbers to call for voting information. Over 80 percent of the Voting Assistance Officers we spoke with found both the voting assistance guide and Web site useful. However, for the 970 servicemembers we spoke to, we found

- about 40 percent were unaware of the guide,
- approximately 50 percent were unaware of the web site, and
- about 74 percent were unaware of the toll-free phone number.

We also found that a toll-free number published widely on promotional posters can only be used in the United States. Moreover, on ships and submarines, phone lines are limited, and sailors are charged \$1 per minute even for toll-free calls.

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## Extent and Quality of Service Voting Education and Assistance Efforts Varied

Despite a DOD directive requiring them, some installations we visited had no installation Voting Assistance Officers, who coordinate the voting assistance program of all units and commands located at military installations. Also, Unit Voting Assistance Officers who assist individual voters, were not always appointed or, in some cases, appeared to be spread too thin. DOD's directive states that Voting Assistance Officers should be appointed at all levels of command and be readily available and equipped to give personal assistance to voters for all elections. However, military personnel are expected to fulfill these duties in addition to carrying out their primary roles as warfighters and mission support staff. Service requirements on how many voters a Unit Voting Assistance Officer is responsible for varies. The Air Force requires one such officer for as many as 20 voters, the Army requires one at the company level (as many as 190 voters), and the Marine Corps requires one at each battalion (about 900 voters). The Navy has not established specific requirements. About 30 percent of the overseas Voting Assistance Officers we spoke to were assigned to provide assistance to 250 or more people. Slightly over one-third of the servicemembers we spoke with told us they did not know who their Voting Assistance Officer was.

In addition, we found that many Voting Assistance Officers were not aware of basic DOD or service requirements. DOD requires that Voting Assistance Officers be trained, but neither DOD nor the services specify the mode of that training. Around 85 percent of 154 Voting Assistance Officers we spoke to told us they were self-taught; only 48 of those we spoke to had participated in one of the 70 training workshops sponsored by the Federal Voting Assistance Program. According to the program's director, the number of workshops offered was limited primarily by the availability of program staff. At several locations we visited, Voting Assistance Officers did not know of the DOD requirement to personally deliver a Federal Post Card Application to each overseas servicemember by August 15 or the need to provide training to servicemembers on the absentee voting process. Additionally, we found unit Voting Assistance Officers who were unaware of the Federal Write-In Absentee Ballot and when to use it. Furthermore, at a number of installations we also found that unit Voting Assistance Officers did not know about service-specific voting assistance program requirements and implementing instructions, leaving them unprepared to meet the needs of potential voters.

We also found that voting supplies such as Federal Post Card Applications and Federal Write-In Absentee Ballots were not always provided in sufficient quantities at some installations. DOD recommends that four Federal Post Card Applications and one Federal Write In Absentee Ballot



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be available for every servicemember and eligible family member. However, one Voting Assistance Officer told us that his ship deployed without Federal Write-In Absentee Ballots, and another Unit Voting Assistance Officer also told us that she was only able to obtain 20 such ballots for her unit of 2,000 people.

DOD requires that all servicemembers receive at least one briefing on the absentee voting process in years with a federal election. However, 60 percent of the 970 servicemembers we spoke to said they had not received a briefing. During several small group discussions, we met with servicemembers who were unfamiliar with the Federal Post Card Application and found a significant number of servicemembers who had no knowledge of the Federal Write-In Absentee Ballot. During these discussions, both officers and enlisted servicemembers told us they believed that training would improve their ability to request, obtain, and complete absentee ballots.

Installation and organization commanders' varying emphasis on the program contributed to the mixed success of the services' voting assistance efforts. More than 40 percent of the 970 active duty servicemembers we spoke with believed that not enough emphasis was placed on voting during the last election. While some commanders, such as the Commander-in-Chief, U.S. Forces Korea, placed a great deal of emphasis on the voting program by showing support in public service announcements and developing a theater-wide voting action plan, others clearly placed little emphasis on the program. For example, one commander described the voting program as another administrative burden on officers who have more important things to do. Although command emphasis is essential for a successful voting program, DOD's directive contains prohibitions against ordering servicemembers to vote.

There is very little oversight or evaluation of the military's voting assistance programs. Although the DOD directive states that voting programs are to be inspected by the service Inspectors General, only the Air Force and the Marine Corps are conducting these inspections; however, their comprehensiveness varies. In addition to inspections by service Inspectors General, DOD's directive also requires commands to evaluate their voting programs. The Army and the Air Force have included this requirement for evaluation in their voting guidance, but not all of the installations we visited had conducted these evaluations. Navy and Marine Corps guidance is silent on the need for program evaluation.

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## State Department Provides Useful Voting Assistance but More Outreach Would Be Beneficial

In discussions with federal employees and U.S. citizens living abroad, we found that most had not encountered problems receiving assistance at the embassy or consulate and that some government employees and citizens praised their embassies and consulates' voting efforts. However, some overseas citizens told us that the quality of voting assistance at an embassy or consulate varied depending on who was providing assistance and that some citizens do not have the same level of exposure to government resources.

Citizens may receive voting assistance from consular officers, student interns, and Foreign Service Nationals<sup>6</sup> who may not have received much, if any, formal training on absentee voting. State Department guidance requires that Voting Assistance Officers familiarize themselves with DOD's Voting Assistance Guide, but does not require that they receive formal training. Twenty-two posts specifically requested that more training be provided in the future.

Many of the citizens who reported positively on embassy and consulate voting assistance had voted absentee two or more times (80%) in the past and were aware of the Federal Voting Assistance Guide (75%), so their level of exposure to government resources may be greater than that of newcomers to absentee voting and of U.S. citizens who have limited contact with an embassy. In group discussions with private U.S. citizens, we were told about citizens who were unaware of the Federal Write-in Absentee Ballot or that they could use the post office at the embassy to mail their voting material. Thirty-three posts said that many citizens seeking assistance were unable to vote because they did not understand the requirements for absentee voting, including deadlines for registering to vote and requesting a ballot. Some thought they could vote at the embassy or consulate on election day. Overseas citizens that live at some distance from embassies and consulates may also have been less exposed to voting information and faced additional challenges. For example, citizens eligible to vote in the five states<sup>7</sup> requiring that registration forms or voting materials be notarized must either travel to a consulate or pay a private notary, which we were told can cost several hundred dollars or more.

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<sup>6</sup> Foreign Service Nationals are non-U.S. citizens directly hired by embassies and consulates.

<sup>7</sup> Alabama, Delaware, Michigan, Mississippi, and Vermont.

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Many embassies and consulates said better dissemination of information on the right to vote and the overseas absentee voting process could alleviate some of the problems voters encounter. For example, some private U.S. citizens suggested that the U.S. government could increase outreach by funding public service announcements in print and televised media widely available to Americans who reside overseas. Thirty-two posts suggested that the federal government make greater use of the Internet, print and televised media, and consular outreach such as email lists and staff trips around the district to provide voting information. However, some Voting Assistance Officers told us limited consular resources constrained the extent to which they could expand these and other voter outreach efforts.

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## States Have Taken Steps to Facilitate Military and Overseas Absentee Voting, but Some Challenges Remain

Although many states have worked with the Federal Voting Assistance Program to make it easier for military and overseas citizens to vote absentee, voters continue to face some challenges in discerning the specific requirements that apply to them, meeting tight time frames that leave little room for error or delay, and obtaining feedback on the status of their applications. Continued efforts by DOD's Federal Voting Assistance Program to work with states to simplify their procedures, modify their election schedules, and expand use of the Internet and electronic mail may help to ease time pressures and enhance communications with voters, particularly for registration and requesting ballots. However, DOD, state, and local election officials view security and privacy concerns as obstacles to widespread use of the Internet to cast ballots in the near future.

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## States Have Taken Some Steps to Simplify Absentee Voting Process

The Federal Voting Assistance Program has encouraged states to adopt 11 legislative initiatives—such as eliminating notarization requirements—designed to facilitate voting for military and overseas citizens. Many states have implemented some of these proposals. For example, only five states require that registration forms or voting materials be notarized. Also, 45 states allow overseas and military voters to register and apply for absentee ballots in one step for both primary and general elections in a calendar year, according to Federal Voting Assistance Program data. Federal Voting Assistance Program officials have continued to work with states to identify ways to make the absentee voting process easier. For example, following the November 2000 election, the program's director wrote to state election directors suggesting legislative provisions their states could adopt to make the absentee voting process easier. Moreover, as a result of issues identified during November 2000 election, many states are examining the need for changes to their requirements.

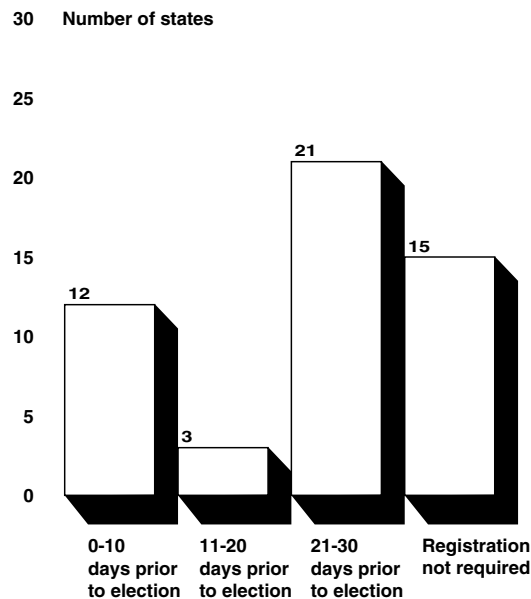
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## Voters Must Understand and Comply with Varying Requirements

Some military and overseas voters and Voting Assistance Officers told us that varying state and county requirements resulted in confusion about registration and residency and about the deadlines for registering, requesting a ballot, and returning the voted ballot. Figure 2 shows the variation in states' deadlines for registration. States also have different deadlines for receiving overseas ballots. As shown in figure 3, these deadlines range from the day before the election to 15 days after the election.<sup>8</sup> The extensions are necessary in some states to ensure that military and overseas absentee voters have at least 30 days between the time ballots are mailed and the deadline for receipt of voted ballots.

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**Figure 2: States' Absentee Registration Deadlines for Overseas Voters**



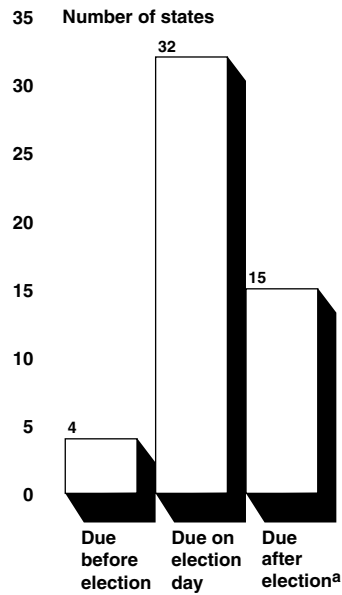
Note: Numbers include District of Columbia. Four states waive registration for military voters only. Two states have earlier registration deadlines for overseas civilians.

Source: GAO legal analysis

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<sup>8</sup> For the 2000 election, Alaska, Arkansas, the District of Columbia, Florida, Iowa, Maryland, Massachusetts, Nebraska, New York, North Dakota, Ohio, Texas, Utah, Washington, and West Virginia had extended ballot deadlines for overseas absentee voters.

**Figure 3: States' Absentee Ballot Deadlines for Overseas Voters**



Note: Numbers include District of Columbia.

Source: GAO legal analysis

Many military personnel and overseas citizens we spoke to believe a standardized registration and absentee balloting system for all the states would make the voting process much easier. Some state and county officials agreed that greater standardization would make voting easier for military and overseas voters, although they noted that standardized election systems might require new legislation in states. However, obtaining political support for changes may be difficult because state legislators may have differing views on how to best balance competing objectives, such as promoting voter participation and ensuring the integrity of the voting process.

Voters must also cope with registration requirements that vary when local jurisdictions interpret state requirements differently. We found variation in the counties we visited in California, Florida, New Jersey, and Texas as to how they implemented state laws and regulations, with some holding strictly to the letter of the law and others applying more flexibility in accepting registration applications and ballots. For example,

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- In Florida, officials in three counties told us they allow registration of applicants who have never lived in the county, while the fourth county said they require a specific address where the applicant actually lived.
  - In New Jersey, officials in three counties said they accepted any ballot that showed a signature anywhere on the envelope while the fourth county disqualified any ballot that did not strictly meet all technical requirements.

Some local election officials in the states we visited took actions to help absentee voters, including military and overseas voters, comply with state and local voting requirements by tracking down missing information on the registration form or ballot envelope and ensuring that applications and ballots went to the right jurisdictions. However, local officials told us they must balance voting convenience with ensuring the integrity of the voting process. This balance often requires the exercise of judgment on the part of local election officials.

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## Voters and Election Officials Frustrated by Tight Timeframes

Military and overseas voters face tight timeframes to accomplish multiple tasks required to vote. The Federal Voting Assistance Program, local election officials, and military and overseas voters we spoke to agreed that 30 days is the minimum needed to allow a ballot to reach an overseas voter and be returned to a local jurisdiction.<sup>9</sup> The Federal Voting Assistance Program recommends a 45-day interval between mailing ballots to voters and the deadline for receipt of voted ballots, but late primaries, runoffs, and local issues are often not resolved in time to allow for a 45-day turnaround time.<sup>10</sup> Our fieldwork showed that 11 of the 16 counties we visited mailed final ballots in time to provide 30 days or more for receipt of the voted ballot. Moreover, only 5 of these counties mailed final ballots to allow 45 days between mailing the ballot and the election. Because of the tight timeframes, Florida and California mailed advance ballots to absentee voters about 45 to 60 days before the election to ensure adequate time to return the voted ballot. However, these ballots represented draft ballots based on information available at the time and did not reflect the

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<sup>9</sup> There is no such specific requirement in the Uniformed and Overseas Citizens Absentee Voting Act.

<sup>10</sup> According to the Federal Voting Assistance Program, since 1976, the Justice Department has taken legal action in 39 cases under the Uniformed and Overseas Citizens Absentee Voting Act and its predecessor (The Overseas Citizens Voting Rights Act of 1975) to ensure that states and local jurisdictions provide absentee voters sufficient time to receive and return their ballots.

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final certified slate of candidates and issues. Receipt of advance ballots in addition to the regular ballot confused some voters we spoke to.

Some states whose primary election schedules do not allow ballots to be available 30 days before the election extend the deadline for overseas voters. For example, two of the four states we visited—Florida and Texas—allow 10 days and 5 days after election day, respectively, for receiving overseas ballots. While such provisions give more time to absentee voters, they have also led to administrative requirements, such as postmarking, to show that ballots are mailed from overseas and on or before election day. Both state officials and citizens groups we spoke with agreed that these administrative requirements further complicate the election process. Some said that it would be best if states and local jurisdictions would send out ballots at least 30 days prior to the election and have all ballots due on election day.

While local election officials and absentee voters face time constraints in executing their parts of the election process, the one area that neither can control is the transport of the ballot materials and voted ballots through the mail. Although some military voters voiced concern about postal systems, our limited review of the military postal system did not identify systemic problems with the timeliness of mail delivery. Overseas voters who do not have access to the military postal system may have faced other problems such as longer transit times and unreliable mail service. For example, international mail generally takes longer to deliver, particularly to remote locations, than mail within the United States. Moreover, while some private mail carriers such as DHL, Inc. transported ballots to the United States free of charge by air from some overseas locations, not all overseas citizens had access to such services. Further, even though they originated from overseas, such ballots were not postmarked until they arrived in the United States, raising the potential for local jurisdictions in states with an extended deadline to disqualify them because they lacked an overseas postmark or bore a postmark dated after election day.

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### Lack of Feedback on Status of Registration and Ballot Requests Caused Frustration

Some military and overseas voters we spoke to also voiced their frustration about not knowing whether their applications for registration or ballots had been approved and when they could expect a ballot. Practices on providing such feedback varied at the 16 counties we visited. Some said they notified voters using the return post card on the Federal Post Card Application or other notification; some notified applicants only if there was a problem with the application; and some considered mailing the ballot as confirmation that the application was accepted. County officials told us that they did not always have time to respond to voters

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whose applications they received close to the deadline, even if there was a problem.

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### Increased Use of Technology May Improve Communication with Voters and Alleviate Some Time Concerns, but Security Is an Issue

State and local election officials in the states we visited often used technology such as faxing and e-mail to alleviate time problems and improve communications with voters. However, they pointed out the need for security in the registration and voting process. During the 2000 election, 41 states allowed voters to fax some election materials—such as ballot requests—while 9 states did not allow any faxing. Moreover, the Federal Voting Assistance Program conducted a pilot program on Internet voting in the 2000 general election, working with 4 states (Florida, South Carolina, Texas, and Utah) and 84 military voters in 12 countries. While the pilot program demonstrated that it is possible for military voters to cast ballots on line using digital signatures, security and privacy are issues in significantly expanding the program in the near term, according to the Federal Voting Assistance Program’s Director and state officials who participated in the project.

Technology may be used to increase communication between local jurisdictions and voters and alleviate some of the timing problems without creating undue security risks, however. For example, the states we visited have made their registration applications available on the Internet, and the Federal Voting Assistance Program’s web site has an electronic version of the Federal Post Card Application. E-mail is also a way that counties can correspond with voters, for example, reminding them of upcoming elections and providing sample ballots before actual ballots are printed. However, the Federal Post Card Application does not include a space for voters to provide an e-mail address.



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## Precise Information on Disqualified Absentee Ballots Is Not Available Nationwide

Information is not available on the precise number of military and overseas absentee ballots that were cast nationwide in the November 2000 election, the number that were disqualified, and the reasons they were disqualified.<sup>11</sup> While some local election officials we have spoken to so far in our telephone survey could provide this data, others said they did not track data on these specific groups of absentee voters and could not readily provide the data. Local election officials we have spoken with told us the most common reasons for disqualifying absentee ballots are (1) the ballot arrived after the deadline and (2) the envelope or form accompanying the ballot was not completed properly.

During our visits to the 16 counties, local election officials provided examples of various reasons absentee ballots had been disqualified during the November 2000 election:

- Based on data provided by the counties we visited, the largest numbers of ballots were disqualified because they arrived after the states' specified deadlines.
- Technical problems with the information provided on the ballot envelope were also cited as common reasons that ballots were disqualified in counties in all four states we visited. For example, we found instances where counties rejected ballots that lacked the voter's signature or the signature did not match the signature on the application.
- Lack of witnesses was cited as a reason for disqualified ballots in counties we visited in Florida. California, New Jersey, and Texas do not have a witness requirement.
- Some ballots were disqualified because voters were not properly registered in the county that received the ballot or had not requested an absentee ballot. For example, one county official noted that some military and overseas voters sent in Federal Write-In Absentee Ballots without requesting a regular ballot. States are only required to accept

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<sup>11</sup> We use the term disqualified ballot to mean those ballots that were not accepted for counting because they arrived after states' deadlines or did not meet other administrative requirements (such as requirements for a signature or witness). We did not obtain information on ballots that may have been disqualified due to problems discerning voter intent such as failure to mark a candidate preference or selection of two candidates for the same office.

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these write-in ballots for voters who requested an absentee ballot 30 days before the election and met other conditions.

While late ballots were a problem in the four states we visited, postmarking could be a consideration in two states—Florida and Texas—that had extended deadlines. A limited DOD survey of postmarking systems and spot-checks we conducted at six overseas locations—both of which occurred after the election—showed that few pieces of first-class military mail lacked postmarks.<sup>12</sup> Officials in the four Texas counties we visited did not view postmarking as a major reason why votes were disqualified but could not provide detailed information on how many ballots were disqualified for this or other reasons. However, in two of the four Florida counties we visited, we saw some examples of illegible postmarks and some postmarks dated after November 7 that served to disqualify votes. In a few cases, ballots came from overseas voters through means such as diplomatic pouch or private carrier and were postmarked after election day. Because these ballots had a domestic postmark, some were disqualified for lacking evidence of coming from overseas. However, one county told us they accepted these ballots if they could determine that the ballot originated from an overseas voter, was in all likelihood mailed on or before November 7, and arrived before the deadline for overseas ballots.

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## Observations

The federal government, states, and local election jurisdictions have a shared responsibility to help increase military and overseas voters' awareness of absentee voting procedures and make the process easier while protecting its integrity. Opportunities exist for DOD to improve the extent to which military personnel and overseas citizens are aware of voting information tools developed by the Federal Voting Assistance Program and to enhance the amount and quality of voter assistance provided by the services. Specifically, DOD could substantially improve voting assistance by ensuring that the services widely disseminate voting information and voting forms and comply with DOD requirements to (1) appoint and train Voting Assistance Officers, and (2) evaluate voting assistance programs. Similarly, opportunities exist for DOD's Federal Voting Assistance Program to continue to work with states and local jurisdictions to reduce the potential for military and overseas voters to

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<sup>12</sup> We conducted these checks at Ramstein Airbase, Baumholder Military Community, Mannheim Military Community in Germany; Incirlik Air Base in Turkey; the U.S. Embassy in Paris, France, and the U.S. Consulate in Frankfurt, Germany.

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encounter problems in registering, applying for absentee ballots, and casting their votes. These actions range from encouraging states to change their laws to make the process less onerous for voters, working with states and local jurisdictions to allow at least 30 days for sending and returning ballots, and taking advantage of technology to improve communication with voters and decrease reliance on traditional mail systems that require longer transit times. In working with states and local jurisdictions, however, the federal government should be aware that states must weigh initiatives to promote ease of voting against other goals such as safeguarding voting systems against misuse.

Mr. Chairman, this concludes our prepared remarks. As noted, we plan to issue a more detailed report in September 2001. We will be happy to answer any questions you or other Members of the Subcommittee may have.

#### **Contact and Acknowledgments**

For future questions regarding this testimony, please contact Derek B. Stewart at (202) 512-2559. Staff in our Defense Capabilities and Management team, Applied Research and Methods team, Office of General Counsel, and Atlanta, Dallas, Los Angeles, Norfolk and San Francisco field offices made contributions to this testimony. We would like to especially acknowledge the contributions of Kathleen Joyce, who passed away on April 21, 2001.