



UOCAVA Voters

**and the Electronic Transmission
of Voting Materials in Four States**

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Section 245 of the Help America Vote Act (HAVA) requires the United States Election Assistance Commission (EAC) to study the challenges of incorporating Internet technologies into the Federal, State, and local electoral process—specifically, issues pertaining to electronically generated messages that permit eligible voters to apply for and vote an absentee ballot. Electronic transmission of voting materials makes the voting process easier for people covered by UOCAVA because they face greater constraints for absentee voting. While no States currently have Internet-based registration or voting systems, many use facsimile (fax) transmission and several use electronic mail (email) for UOCAVA voters.

To fulfill Section 245 requirements, EAC researched and documented current and potential electronic ballot transmission to and from UOCAVA voters. The overall project has three components: (1) compile case studies of four States that allow some electronic transmission of voting materials, (2) conduct a survey of UOCAVA voters about their electronically transmitted voting experience and preferences, and (3) hold a conference to examine the use of technology for UOCAVA voters.

This report summarizes the case study findings of four States, including each State's experience with electronic transmission of voting materials, implementation challenges, and election official perspectives.

Appendix A provides a definition of terms used in this report; Appendix B shows the degree of electronic transmission allowed in the States chosen for inclusion in this research; Appendix C displays each State's election administration structure and ballot statistics for 2006; Appendix D summarizes the law for the four States; and Appendix E lists key implementation findings.

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Sample Selection

Selecting jurisdictions to participate in the case studies first involved choosing states based on their policies and requirements for UOCAVA voters, including acceptance of forms such as the Federal Post Card Application (FPCA) and sending and/or receiving ballot materials by mail, fax, email, or website. It also meant reviewing State laws and regulations, querying organizations and individuals involved in UOCAVA registration and voting, and collecting statistics on the number of registered military and civilian UOCAVA voters per State to determine the experience States have with processing this voter group.

The information was categorized based on whether States allowed ballots to be received or transmitted electronically in the November 2006 election. Categories ranged from most advanced (States that allowed emailing of voted ballots) to least advanced (States that disallowed any electronic transmission of voting materials) and put into a table for comparison (see Appendix B). Montana and South Carolina were chosen because they allow some emailing of voting ballots; Florida and Illinois were chosen because they allow some emailing or uploading/downloading of blank ballots.

Montana used the Integrated Voting Alternative Site (IVAS) Tool 2 in 2006, which is the online FPCA ballot request for uploading or downloading of a blank ballot for registered Department of Defense (DOD) voters—thus demonstrating a willingness to experiment with new possibilities in election administration. Some counties also participated in the Interim Voting Assistance System (IVAS) 2004 project, which allowed uploading/downloading of blank ballots for DOD voters. Montana has considered electronic options for some time, and election administrators are aware of the challenges.

South Carolina reported the largest number of UOCAVA ballots sent (168,814) to the EAC in 2004¹. [Researchers discovered the State reported

their total absentee voter statistics to the EAC rather than the 8,078 UOCAVA ballots sent.] The State has a substantial number of military voters and permits all counties to email blank and voted ballots, and to fax ballots and registration forms for UOCAVA voters. As far back as the 2000 general election, South Carolina allowed all UOCAVA voters to participate in the Voting over the Internet (VOI) project; some counties also participated in IVAS in 2004.

Florida allows faxing of the FPCA ballot request, blank ballots and voted ballots, and allows emailing of blank ballots for all UOCAVA voters except military voters residing in the U.S. This State's selection allowed for exploration of why domestic military are treated differently by State law. Their sizable UOCAVA population (122,194 ballots sent in 2004) provides insight into the workload associated with electronic transmission of ballots. In 2000, at least one local election official participated in Voting Over the Internet (VOI) and is currently investigating an Internet voting pilot project.

Illinois added a different region. Two jurisdictions, the city of Chicago and the suburban Cook County, participated in IVAS Tool 1. This allowed registered voters that are overseas DOD civilian and contractor employees, as well as active duty military and their dependents, to email ballot requests; all UOCAVA voters in these two jurisdictions can receive a blank ballot by email. Illinois also allows faxing of FPCA ballot requests for all military voters and for overseas civilians from Chicago and Cook County. This State was an interesting addition to the sample; two jurisdictions are using an approach to absentee voting that differs from other local jurisdictions. The Illinois UOCAVA population (30,556 ballots sent in 2004²) is larger than Montana but smaller than Florida.

Once the four States were chosen, researchers expanded the sample by selecting three to five local jurisdictions within each State to gain greater

¹U.S. Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA), Survey Report Findings, March 2006*, <http://www.eac.gov/docs/UOCAVASurvey%20Report%20-%20Final%203-3-06.doc>

²U.S. Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA), Survey Report Findings, March 2006*, <http://www.eac.gov/docs/UOCAVASurvey%20Report%20-%20Final%203-3-06.doc>

representation of each State's practices. Some local jurisdictions were chosen because of their previous participation in the Department of Defense's Voting Over the Internet or in the 2006 IVAS program, or because of planned participation in Secure Electronic Registration and Voting Experiment (SERVE), which was later cancelled. Others were selected based on their population of UOCAVA voters—one was added due to the relatively high number of UOCAVA ballots sent and returned. In Florida, one county was chosen because of its large military population. In South Carolina, the top five counties, in terms of UOCAVA ballots sent in 2006, were included in the study. In Montana, four counties that email and fax voting materials were selected, including two that participated in IVAS 2006.

Data Collection

Initial data collection began by acquiring information from each State's legislature, State agency websites, and library databases. Additional data and hard copy versions of election codes, regulations, voter outreach materials and statistics were collected as States were visited.

Core data collection was conducted through personal interviews with State and local election officials. In November 2006, researchers contacted the top election administrator in each jurisdiction to explain the purpose of the study and ask for referrals to the staff person best suited to answer the questions. At the local level especially, valuable information was often gained from these initial phone conversations. Interviewees also referred researchers to other individuals. In two States, referrals invited researchers to attend meetings of local election officials, where additional interviews were conducted and researchers observed officials as they learned about laws and shared information. Researchers also traveled to the offices of selected election officials and observed day-to-day operations.

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CASE STUDY: UOCAVA Voting in Illinois

In the 2000 Census, Illinois had a population of over 12.4 million people, almost 88 percent of whom lived in urban areas. Approximately 0.09 percent (10,865 people) lived in military quarters.³ Of the approximately 9.5 million people over 16 years of age, 0.23 percent (22,020 individuals) were members of the Armed Forces.⁴

In Illinois, researchers interviewed nine election administrators from three local jurisdictions and two staff members of the State Board of Elections for this study. Election officials and staffers in this midwestern state go to great lengths to accommodate UOCAVA voters and guide them through the registration and voting maze, even when it requires a bit of creative thinking.

Legislative Snapshot

Illinois laws affecting military and overseas voters emerged in spurts over the last 18 years. In the 1989-90 State legislature session, the General Assembly specified how military and overseas civilians could request absentee ballots, the deadlines for mailing blank ballots to these groups, and the availability of special write-in ballots. Coinciding with the Gulf War, a law allowing faxing of ballot requests for active duty military personnel was enacted in the 1991-92 session.

The Illinois Legislature reacted to the difficulties that arose during the 2000 Presidential election with a flurry of activity relating to voting and voting equipment. In 2003, legislation asked the State Board of Elections to conduct an Internet

voter registration study. In early 2005, one legislator proposed creation of an “Internet Voting Commission” to study voting via the Internet, but the bill stalled.

Absentee Choices and Consequences

The State Board of Elections helps local jurisdictions conduct elections uniformly and according to State law, and encourages practices with respect to military and overseas voters. Those State laws and the Help America Vote Act (HAVA) requirements are followed, as all address some aspects of registration and voting. Even so, registration and voting choices can be confusing for voters, and there is some inconsistency in interpretation and implementation among jurisdictions.

At least three different registration rules govern absentee voter groups, and the implementation of these rules varies among jurisdictions. Different forms are used to apply for absentee ballots under the various programs, and each registration form triggers a different length of time for which the voter will remain “active” and receive a ballot in the mail automatically.

UOCAVA is just one of several absentee programs implemented by local jurisdictions in Illinois. Others include a “snow-bird” program (a program for college students registered to vote at their parents’ address), a disabled voter absentee program, and an absentee voter program for those with other reasons (specified by law) that prevent them from voting in person.

Aside from UOCAVA, any registered Illinois voter may request—at least 10 days before an election—an absentee ballot from their local jurisdiction for a variety of reasons. Requests are only valid for one election for regular voters, but they cover every election in a calendar year for military or overseas voters using the local jurisdiction’s ballot request. Former Illinois residents living overseas indefinitely must request a ballot using the FPCA; for military personnel and those temporarily overseas, it also serves as a registration form.

³Census 2000 Summary File 1 (SF1) 100-Percent Data

⁴Census 2000 Summary File 3 (SF3) Sample Data

UOCAVA voters using the FPCA form receive ballots for two Federal election cycles, yet some jurisdictions send voters ballots for all elections in which they are eligible to vote during that Federal, State, or local cycle; others send only some ballots. Jurisdictions also have different interpretations about what constitutes “two cycles.” For example, should a voter who registered in October 2004 receive a ballot for the November 2008 election without having to renew the application?

If UOCAVA voters comply or apply for a local absentee ballot request, they will likely only receive a ballot for one election, but staff sometimes moves applicants to the FPCA timeline when it is apparent that they are serving in the military rather than on vacation.

Military voters outside their county of residence have additional options for requesting absentee ballots. A parent, child, spouse, or sibling registered in the same jurisdiction can request that a ballot be sent to the voter, or active duty Armed Forces members can send an application for an absentee ballot to their local election authority “by a facsimile machine or electronic transmission” at least 10 days before the election. Interestingly, there is no interpretation provided in the State law about what “electronic transmission” means. Since it does not explicitly allow or disallow the emailing of blank ballots to overseas voters, some jurisdictions do so to make sure voters get the ballots in time to return them.

Illinois law requires a live signature on file for a registration to be valid. A ballot counted is strictly implemented by all jurisdictions, though often creatively. For example, when a UOCAVA voter registers via fax and does not provide a “live” signature, the jurisdiction usually suggests that the voter return the voted ballot along with the original registration form. The ballot is then counted when the registration form and signature are received.

The Extra Mile

Within each office, UOCAVA voters are usually assigned to a specific staffer, although one who likely handles other tasks. In other offices, UOCAVA voters are handled by multiple employees. In all jurisdictions, however, election staff know to whom

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they should direct UOCAVA voters. The training for those assigned UOCAVA voters consists of reading instructions on forms, receiving guidance from the Illinois Board of Elections, and/or accessing the FVAP site, particularly the online training modules for Voting Assistance Officers (VAOs).

Staffers are creative; in one office, someone with a military background researched ways to get ballots to deployed voters who were difficult to reach. Consequently, a registered voter received a ballot on a submarine after this staffer tracked him down and contacted the submarine’s commander to inquire about electronic submission access and file size limitations. Many interviewees go out of their way for military voters, saying that because they are serving the country, “the least we can do is make sure their right to vote is protected.” For overseas civilians, however, especially those residing overseas permanently, the sentiment is different. Processes for these voters are followed as prescribed by law, but staffers in one jurisdiction admitted they do not go the “extra mile” for these voters, as they assume civilians are not constrained by issues such as not having a fax machine available or serving in combat.

All jurisdictions visited had email access for staff who handle UOCAVA voters. Most offices maintain a designated fax machine for registration forms, and one even established multiple toll-free fax lines for overseas registrations. Information systems are standard, over-the-counter hardware and software. Offices have technical support available and use

standard email and virus protection software. Higher level security is probably not used because no voted ballots are transmitted electronically.

Using the United States Postal Service (USPS) to send voting materials isn't necessarily efficient or effective, according to those interviewed. Postmarks on overseas ballots can be difficult to decipher, and sometimes postmarks are missing. (Even if it cannot be read, the ballot is generally counted if received within the 14 days, especially if it looks like a military ballot.)

All jurisdictions visited by the researchers attempt to verify addresses (by mail) for absentee voters between elections, which simultaneously allows them to update non-deliverable addresses. One interviewee has had luck contacting FVAP to track down new addresses of military personnel. Others contact family members when possible, and if an email is on file, the voter is contacted by email. For UOCAVA voters who do not supply an email address or a fax number, receiving the ballot in a timely manner can be a challenge if they reside in remote locations, or if they receive their mail through the military postal service. Every jurisdiction cited problems with ballots not delivered promptly or found after an election. Some jurisdictions have raised this issue with FVAP and with the military postal system in hopes of obtaining prioritized delivery status for overseas absentee ballots.

Military voters are highly mobile and their addresses change frequently. Sending out ballots that are returned is costly, and election officials are uncomfortable sending out ballots that do not reach their proper destination but are not returned, either.

The use of fax and email, however, has enabled voters from overseas to participate in elections where they otherwise would have missed deadlines or not receive ballots. Staffers communicate regularly with voters by email to solve problems, verify ballot receipt, or change addresses. Email communications are not limited to overseas voters; many local voters also use email to interact with election office staff. While email addresses from FPCAs are not entered into the system, some staffers compile their own file.

Two local jurisdictions participated in a Federal Voting Assistance Program (FVAP) project for the November 2006 election, which provided even more flexibility in receiving absentee ballot requests. This Integrated Voting Assistance System, called IVAS Tool 1, was for registered voters whose identity had been authenticated by DOD and who had access to a secure DOD server where they could download an FPCA to submit to their local election office without a signature.

Looking Forward

Currently, there is little organized activity dealing specifically with overseas voting as well as no legislative or political push to change any electronic transmission systems or revise other procedures in the overseas voting process. Electronic transmission of voted ballots is probably not forthcoming from the State legislature because of concerns over security and a need to improve the image of voting fraud in Illinois.

Those interviewed do not foresee more relaxed laws on electronic transmissions of voting materials—specifically, voting by email or on the Internet—because of its vulnerability, concerns about viruses, and an inability to verify where votes originated (e.g., who actually voted the ballot). While most hope military voters will be able to use more advanced electronic methods since the military system could provide voter authentication, one interviewee expressed doubt that even the military could safeguard the electronic transmission process.

Certainly, election administrators do not have significant funding necessary to set up a “closed” system for transmitting ballots electronically. Even if they did, replacing manual methods of ballot processes would require even more funding. Currently, emailed ballots that are filled out and returned require two election judges to “transfer” the votes from the email ballot to a regular ballot because ballot scanners do not accept regular paper. If more people began emailing and/or faxing ballots, more judges would be needed for this time-consuming duplication process, or new technological alternatives would have to be explored—creating time and resource problems for jurisdictions who already deal with short timelines.

CASE STUDY: UOCAVA Voting in Florida

In the 2000 Census, Florida had a population of nearly 16 million people, almost 89 percent of whom lived in urban areas. Approximately 0.08 percent of the total population (13,457 people) lived in military quarters.⁵ Of the 12.7 million people over 16 years of age, 0.44 percent (56,519 individuals) were members of the Armed Forces.⁶

Florida has many challenges in the election arena, and one of those is serving its sizeable UOCAVA population (122,194 ballots sent in 2004). Researchers investigated how State laws affect this voter group and those who administer the laws. Five Florida election administrators from three local jurisdictions, and four staff members of the Florida Department of State were interviewed for this study.

Election Reform

After the November 2000 election difficulties in Florida, the State's legislature quickly enacted the Election Reform Act by May 2001. While the purpose was to end the use of punch card ballots and ensure uniform ballot design and counting, the law also focused on making absentee voting easier, especially for overseas voters. The controversy over the role of military and overseas ballots in the 2000 Presidential election outcome raised concerns that laws surrounding these voters be clarified. Prior to the 2001 Election Reform Act, statutes required a military or overseas postmark for the ballots arriving within 10 days after the election. During the days following the November 2000 election, this was

very controversial, as supervisors varied in whether they would accept or reject overseas ballots with a domestic postmark. Now, absentee ballots from overseas are assumed to be mailed on the date written on the outside of the return envelope, regardless of the absence of a postmark or a later postmark date.

Other laws affecting military and overseas voters in the Election Reform Act were those providing late registration for those discharged from military or overseas employment, a State write-in ballot for overseas voters, and email updates of candidates; and the requirement that the Department of State issue rules allowing electronic transmission of ballot requests and voted ballots from overseas voters.

Since the passage of the Election Reform Act, the legislature made the statutes conform more completely to the Act and to subsequent Federal laws passed, such as the Help America Vote Act (HAVA) and changes to UOCAVA. In 2003, a law was passed exempting overseas voters from HAVA's identification requirement for first-time voters registering by mail. In the case of absentee voters, this identification is sent in with the State's voter certificate; therefore, overseas voters have a different voter certificate affirming their status.

A 2005 law added language about the electronic transmission of voting materials, calling upon the Department of State to determine if there are secure electronic means for transmitting voted overseas ballots and to promulgate the rules allowing such means when secure.

A Closer Look

Florida's Secretary of State is the chief election officer, charged with maintaining uniformity in the interpretation of election laws, and local election officials are called county "supervisors of elections" (SOEs).

Reports of voters being treated differently across counties in the 2000 and 2004 elections motivated the legislature to give the Secretary and the Department

⁵Census 2000 Summary File 1 (SF1) 100-Percent Data

⁶Census 2000 Summary File 3 (SF3) Sample Data

of State authority to pursue legal action to enforce the compliance of any SOE with the statutes or regulations. These enforcement powers are new and have not been used in any dramatic way, but the Department sees them as a push to uniformity.

The Department of State also establishes rules governing transmissions by fax or other electronic means. These rules allow ballot requests and blank ballots to be emailed and faxed, and voted ballots to be faxed. However, the Department has not yet determined that there is a secure way to email voted ballots.

Another new authority for the Department relates to pilot projects for counties wishing to experiment with electronic ballot transmission. A few Florida counties participated in a Vote Over the Internet (VOI) project with the Department of Defense (DOD) in 2000. This project involved elaborate information system setups, from special password and encryption keys for each transaction to setting up separate servers to process voters, allowing a small group of military personnel to vote over the Internet. Several counties also participated in planning for the cancelled Secure Electronic Registration and Voting Experiment (SERVE), in which voters would have been able to gain access to their ballot from any computer. One Florida county is currently developing its own pilot project to transmit ballots using the Internet, and the Department of State supports this pilot as part of their mandate.

Local election offices differ in organizational structure. Florida's SOEs are elected, so if an SOE is not re-elected and a new supervisor takes office, the entire staff can change. Coordination among staff depends partially on the office size. In smaller offices, people work on many aspects of the election process and everyone seems to pitch in, whereas larger offices have more specialized staff for specific tasks, and the division of labor is more decentralized.

The State conducts continuing education sessions for SOEs and holds workshops on substantial pieces of legislation (e.g., the Election Reform Act). Counties communicate regularly with the Secretary of State, and they have a strong communication network among themselves and an active legislative liaison. One SOE, a highly knowledgeable resource

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on UOCAVA voters, consults with the State regularly on interpretations and implementation issues, especially regarding military voters.

Resources committed to serving UOCAVA voters vary in proportion to the number of registered UOCAVA voters in the jurisdiction and on the motivation of staff. In one Florida jurisdiction, more than anywhere else studied, researchers encountered election administrators who do everything to make sure eligible UOCAVA voters are able to register and cast a ballot. This includes figuring out ways to overcome obstacles or streamline the process, lobbying for legislative changes, and helping other jurisdictions implement procedures that aid UOCAVA voters. This jurisdiction communicates actively with the Federal Voting Assistance Program (FVAP), seeks out Voting Assistance Officers (VAOs) on nearby bases to offer assistance, and interacts with commanding officers to ensure that UOCAVA voters have the technology to participate in the election process. Election administrators in this jurisdiction have worked through birthdays and holidays to meet deadlines for UOCAVA voters and have even picked up ballots for UOCAVA voters during a hurricane.

Some SOEs are willing to explore new projects under Florida's pilot program option—particularly those that might benefit UOCAVA voters—but feel severely limited by resources, the current political climate, and the presence of interest groups that have questioned computer use for elections.

Step by Step

In several sections, Florida law applies explicitly to “overseas voters.” This means the particular section does not apply to all UOCAVA voters, as it does not apply to military personnel who are outside of their county of residence but still within the United States.

UOCAVA voters can use three forms to register to vote in Florida: the Federal Post Card Application (FPCA), the State’s voter registration form, or the National Voter Registration Act (NVRA) form. In at least one jurisdiction, the FPCA is frequently used by military personnel who are not UOCAVA voters because they physically reside within the jurisdiction. When a local military voter registers for the first time and uses the FPCA, the SOE asks them to replace the form with a Florida registration form and submit a separate absentee ballot application. Electronically submitted forms must be followed by the original.

An overseas voter who is already registered may request a ballot in person, in writing, over the phone, or by fax or email. However, an overseas voter who cannot vote an absentee ballot during the normal voting period due to military or other contingencies can request a State Write-In Absentee Ballot (SWAB). This ballot will include Federal, State, and/or local offices for which the voter would otherwise vote. If an overseas request for an absentee ballot includes an email address, the SOE must email to the voter a list of candidates for primary and general elections at least 30 days before each election.

Florida voters do not need to provide a reason to request an absentee ballot, and the application remains in effect for one calendar year. However, UOCAVA voters do not have to reapply for absentee ballots yearly if registered through the FPCA. Absentee ballots can be requested in person, by phone, email, fax, or in writing. An absentee ballot can also be requested by a designated family member, which is especially important for military UOCAVA voters overseas.

Election administrators mail an annual Notice of Election (NOE) to each absentee voter along with an absentee ballot application, which also serves as address verification and update reminder for

Overseas ballots are counted up to 10 days after the election if mailed by the election day.

UOCAVA voters. Many of these are returned because of the highly mobile UOCAVA population, especially military voters. In one jurisdiction, about 25 percent of the NOEs came back undeliverable in 2006, and less than 10 percent of the voters who were sent a ballot actually returned a voted ballot.

Many military contractors hire and send civilians overseas, thus making them UOCAVA voters. When these civilians return to the U.S., they become regular voters. However, when overseas military voters return to somewhere in the U.S. other than their voting residence, they remain UOCAVA voters. In some offices, every voter who has any contact with the office is asked whether they are military as they often have different needs than civilian voters. They may suddenly be deployed and change from local UOCAVA status to overseas status, or they may be located in remote war zones or locations where they cannot be easily reached by regular mail. Once they leave, they become eligible for use of electronic transmission of election materials.

Blank ballots are emailed and faxed only to overseas UOCAVA voters who request them, but not to UOCAVA voters residing in the continental U.S. (For purposes of eligibility to use electronic transmission of ballots, residents of Samoa, Guam, the Virgin Islands and Puerto Rico are not considered overseas voters.) While regular absentee voters must receive their ballots by “non-forwardable” mail, UOCAVA-qualified ballots are sent by “forwardable” mail. By law, election administrators must send ballots to overseas voters at least 35 days prior to an election, but due to concerns that 35 days is not enough time for the entire process, some administrators send them 10 days earlier. For example, military voters at sea may only be able to receive and send mail every two weeks when a supply plane arrives.

In Florida, absentee ballots are returned by mail or in person; overseas voters may return voted ballots by mail or by fax—but not by email; and faxed ballots must be accompanied by a signed waiver of privacy. In one jurisdiction, voters faxing ballots typically remain on the phone with the office while the fax comes through to satisfy both parties of a positive transmission. In another jurisdiction, an email is sent upon receipt of the ballot so the voter can respond if they did not send the fax. As in other States, these ballots must be duplicated after arrival to be accepted by scanners that count votes.

Overseas ballots are counted up to 10 days after the election if mailed by the election day. As previously stated, SOEs act according to the date the voter signed the form, with the assumption that it was mailed on that day. On ballots received during the 10-day grace period, only ballots for the Federal races are counted.

Their Two Cents

Since the 2000 Presidential election, Florida's election administrators have felt they are under a magnifying glass, and that everything they do is scrutinized by the media. The 2000 election also gave rise to interest groups that watch over and advocate for or against certain technologies in elections. Florida's participation in the VOI project in 2000 was largely ignored by that community, but voting technology activism was in full swing when SERVE came along in 2004. SERVE was discontinued after SOEs spent considerable time and effort on its implementation, and voting technology experts are largely blamed for its demise. At the time of the interviews, some SOEs expressed extreme frustration with these groups, believing that the experts' unreasonable doubts

SOEs act according to the date the voter signed the form, with the assumption that it was mailed on that day. On ballots received during the 10-day grace period, only ballots for the Federal races are counted.

regarding electronic ballot transmission has hampered election administrators from opening up the process to UOCAVA voters.

Florida's election administrators are highly attuned to the controversies around voting technology and knowledgeable about arguments on all sides of the issue. Most jurisdictions exercise due diligence in securing their systems and keeping them free of viruses. They try to push as much information online as possible and encourage UOCAVA voters to check the website for updates regularly. One SOE believes that using the Internet and email can bridge time differences between SOEs and distant voters, promote more effective communication and administrative processes, and bring in a new generation of voters.

Admittedly, issues surrounding electronic ballot transmission include verification of the voter and secure transmission of the ballot in an unaltered state to the SOEs. The election administrators interviewed doubted whether current technology could alleviate these concerns, but they pointed out that the military is the perfect candidate for pilot experiments because the DOD already has protocols that deal with the authentication and verification of Armed Forces members.

CASE STUDY: UOCAVA Voting in South Carolina

In 2000, South Carolina had a population of over 4 million people, almost 61 percent of whom lived in urban areas. Approximately 0.43 percent of the total population (17,102 people) lived in military quarters.⁷ Of the 3 million people over 16 years of age, 1.16 percent (36,027 people) were members of the Armed Forces.⁸

In 2006, South Carolina law changed to allow all UOCAVA voters to fax or email their voted ballots. This new law has not yet been widely used because of a lack of requests from UOCAVA voters and because election staffers across the state are still adapting their processes to accommodate the change. Researchers interviewed seven South Carolina election administrators from five local jurisdictions, and four employees of the State Election Commission.

On the Books

The South Carolina legislature has enacted legislation related to military and overseas voters for 25 years, but recent laws substantially affect UOCAVA voters.

In 1984, legislation added use of Standard Form 76—otherwise known as the Federal Post Card Application (FPCA)—to the section of the law on military and overseas voting. Two years later, a law addressed the State Write-In Absentee Ballot (SWAB), and it was specifically amended to affirm that the ballot should be used for Federal, state-

wide, and General Assembly offices. At about the time of the Gulf War, a 1992 law was passed that allowed electronic transmission of voting materials for military in an “emergency” such as war, conflict, or military mobilization.

Thanks to a Senate bill introduced in 1998, the State participated in the 2000 Voting Over the Internet (VOI) pilot. In 2001, an additional section further supported electronic transmission, allowing “other methods of voting by absentee ballot instead of by paper ballot.” An identical bill would have allowed participation in the Secure Electronic Registration and Voting Experiment (SERVE) project planned for 2004, but the project was later cancelled.

Two major bills related to military and overseas voters were proposed in 2006. One would have allowed the electronic transmission of all voting materials for overseas voters, and it would have eliminated the signature requirement on electronic transmissions. This legislation also sought to allow these voters State and Federal write-in ballots for all elections (including local), Federal write-in ballots for registration, and email receipt of candidate information. The bill was not enacted, but a similar bill was enacted without the write-in ballots.

Most notably, major changes made in 2006 removed the “emergency” military conflict requirement, thus expanding the use of electronic means to all UOCAVA voters at any time.

At the Helm

The State Election Commission (SEC) is the central election authority in South Carolina. This commission appoints an executive director, whose responsibilities include running the centralized voter registration system, and implementing and enforcing the State’s responsibilities under the National Voter Registration Act (NVRA) and UOCAVA.

South Carolina’s election administration system on the local level is governed by two entities: the

⁷Census 2000 Summary File 1 (SF1) 100-Percent Data

⁸Census 2000 Summary File 3 (SF3) Sample Data

county board of registration and the commissioners of election—all appointed positions. Registration boards are responsible for facilitating the absentee voting process for UOCAVA voters.

Successful election administration requires a significant level of collaboration between the board and the commissioners because, for example, the election commissioners produce the absentee ballots for the registration board to distribute. In most jurisdictions, this coordination is accomplished by hiring one director to oversee all staff and take charge of day-to-day operations. Other counties have separate directors for each board and no joint meetings of the boards, making coordination somewhat more difficult.

South Carolina's SEC trains local jurisdictions on election and registration matters throughout the year and maintains an Intranet that allows counties to access rules, regulations, training materials and videos, and other news and information. Training on how to send and receive fax and email ballots, new for all UOCAVA in 2006, was provided in April 2006 with training on a new UOCAVA instant runoff ballot.

Funding for local jurisdictions varies. Most offices seem adequately staffed for busy election times, but staff in other jurisdictions seem overwhelmed by the challenges that UOCAVA voters add to their usual workload—even outside of the election season. They specifically mentioned the amount of email sent to and received from military and overseas voters.

There is a great degree of uniformity among the 46 counties, but even centralized training cannot overcome the variation in educational or election backgrounds among staff members, nor can this training compensate for the difference in resources. This leads to somewhat different interpretations in the implementation of tasks.

Understanding the Process

A large majority of South Carolina's UOCAVA voters are military, while others work for international companies or independent contractors who send employees overseas to work. Members of this voting

Training on how to send and receive fax and email ballots, new for all UOCAVA in 2006, was provided in April 2006 with training on a new UOCAVA instant runoff ballot.

group who need help navigating the process typically call the local election administrator. Interviewees talked about military voters who did not know about the Federal Voting Assistance Program (FVAP) or the FPCA, or did not know there should be a Voting Assistance Officer (VAO) on the base. Consequently, busy election administrators not only process registrations and make sure ballots arrive in time, but they must also refer voters to the appropriate websites or forms. If that fails, they guide voters through the process themselves, which can be time-consuming and difficult during election season.

Residents must register to vote in person at their county board of registration office or by mail 30 days before an election. South Carolina residents who are discharged from the Armed Forces and return home after the 30-day deadline can register "late" at the county board of registration office until 5:00 p.m. on election day to vote in that election.

Voters can only vote absentee for one of the 17 reasons listed on the State's Application for Absentee Ballot. The reasons fall into two broad categories: either the voter will be absent from their county of residence on election day, or the voter will not be able to vote because of a disability, work, jury duty, etc. Additional reasons are geared to UOCAVA groups (e.g., active duty military, Merchant Marine, citizens residing outside the country, etc.).

South Carolina allows for faxing and emailing all election materials, including registration forms and ballots, both blank and voted. However, blank ballots faxed or emailed to voters include a waiver of their right to a secret ballot. UOCAVA voters can both register and request a ballot by FPCA, or if already registered, they can ask for an absentee ballot application. In most cases, election administrators try to guide UOCAVA voters to the FPCA. An

original signature is only necessary for a new registration form, but there is discretion on whether an electronic signature can be accepted in lieu.

When using the FPCA (Standard Form 76), the military or overseas voter has several options. The form can be used to request a ballot, or to both register and request a ballot. The FPCA does not require a notary or witness and can be faxed or mailed. If faxed, however, the original must also be mailed. Many UOCAVA voters apply for an absentee ballot with South Carolina's absentee ballot application rather than the FPCA, not realizing it only covers one election instead of all elections for the entire year; they also do not understand that the FPCA is good for two Federal election cycles. There are even differing opinions among election administrators on which elections are covered by the FPCA. Some jurisdictions send ballots for all elections; others wait for the voter's separate request for local ballots.

South Carolina voters do not specify a party affiliation on their registration form, and most voters using the FPCA to register do not indicate a partisan preference. This is problematic for voters, as election administrators will not mail ballots for primaries to those that did not state a party preference. An incomplete or illegible FPCA further increases the workload for election administrators, who follow up with the voter.

The County Boards of Registration must mail, fax, or email regular ballots and "Instant Runoff Voting" ballots (to be used if needed) to UOCAVA voters at least 45 days before a primary election. Traditional mailing presents certain problems. Administrators attempt to verify all UOCAVA voter addresses between elections, but election mail cannot be forwarded. In some jurisdictions, 75 percent of returned mail came back with corrected addresses but most was not answered or returned. Additionally, local election administrators worked closely with local postal authorities, because USPS employees did not understand that the county or State is not required to pay for election mail sent to UOCAVA voters.

Absentee voted ballots can be mailed or delivered, but they must be returned inside a

When using the FPCA (Standard Form 76), the military or overseas voter has several options. The form can be used to request a ballot, or to both register and request a ballot. The FPCA does not require a notary or witness and can be faxed or mailed. If faxed, however, the original must also be mailed.

special envelope imprinted with a special oath, which must be signed and witnessed. This requirement is waived for UOCAVA voters faxing or emailing their voted ballots. When voted ballots are returned via fax or email, they are duplicated in the election office so that they can be scanned with other ballots.

What Happened in 2006?

Transmitting voted ballots electronically is in the early implementation phase in South Carolina, as the two major elections in 2006 were the first opportunities to take advantage of the new law. Even so, it was important to look at what happened and listen to how those involved in the process feel it can be improved.

Implementation of the electronic ballot transmission varies, largely due to resources. For example, one jurisdiction did not have technology support staff, nor did it have an employee who was particularly tech-savvy. It was difficult for them to set up a fax machine for faxing ballots because their phone plan did not allow for overseas calls, and/or they hadn't yet figured out a process for emailing ballots. With no office or county resource to provide training or assistance, election staff members believed they had to rely on themselves. They "might" have attended the State workshop on IRV ballots and emailing and faxing ballots, but they did not recall the information or know where to look on the State Intranet for further assistance.

When problems arise, election administrators and/or office staff with heavy workloads must find their own solutions or figure out alternative ways to accommodate voters. For example, when voters request email ballots, they are offered a faxed ballot instead. In contrast, emailing ballots has become, in part, routine in some jurisdictions where resources are not an issue.

Each county is responsible for its own computers and servers. Some have easy and direct access to technical support staff; others are left to fend for themselves. In jurisdictions with little support, there is little evidence that computers are backed up regularly or that they are part of a network. One exception is the registration database, which is administered by the SEC and housed at the State.

Local offices do have online access to the state-wide voter registration database. All other programs and platforms seem standard—usually with Windows and Microsoft Office—but some offices do not have software for creating PDF files that can be sent to voters. While the SEC creates ballot layouts for the election offices, they still have to be adapted for each ballot style, which requires significant knowledge about the software and some understanding of how various programs interact. In one jurisdiction, 85 different ballot styles had to be created for one election.

Election administrators appreciate the future possibilities of electronic transmission, but it is not widely used because election offices do not yet know how to implement it and/or voters don't know about it. For email voting to be implemented effectively, it would likely have to be promoted on the State level to get everyone brought up to speed on the process and technology.

Transmitting voted ballots electronically is in the early implementation phase in South Carolina, as the two major elections in 2006 were the first opportunities to take advantage of the new law.

CASE STUDY: UOCAVA Voting in Montana

In 2000, Montana had a population of a little over 900,000 people, almost 54 percent of whom lived in urban areas. Approximately 0.04 percent of the total population (404 people) lived in military quarters.⁹ Of the 700,000 people over 16 years of age, 0.52 percent (3,619 individuals) were members of the Armed Forces.¹⁰

Those who envision Montana as rugged and unsettled might be surprised to learn that this State is quickly becoming a frontrunner of electronically transmitted voting materials. Interviews were conducted with nine Montana election administrators from four jurisdictions and the state Election Director for this study, and researchers had casual conversations with approximately 10 additional election administrators. They also attended a meeting where county clerks discussed their experiences in the November 2006 election.

The New “Old Frontier”

For 20 years, the Montana legislature has actively addressed election reform, particularly for military and overseas voters. State legislation enacted as early as 1969 mentioned the voting rights of citizens “in United States service” who are “absent from the state and county” of residence.

The Federal Write-In Absentee Ballot (FWAB) was addressed in 1987 legislation, and laws enacted in 1991 allowed transmission of voting materials by facsimile. More changes came in 1999 with a bill that added “transmission using the Internet” for overseas and military voters. That same year marked the

enactment of “no excuse” absentee voting that allows any Montana resident to vote by absentee ballot for any reason. During that session, “same day registration” never made it to a first reading, but support for it showed clear advocacy for this option.

The 2003 legislature passed the Montana Absent Uniformed Services and Overseas Elector Voting Act, primarily to implement federal UOCAVA and Help America Vote Act (HAVA) laws and making the Secretary of State (SOS) the designated source of information regarding UOCAVA voting. It requires the Secretary to adopt regulations to implement provisions for electronic voting contained in the Act—these provisions allow domestic military voters to use the FWAB, to take advantage of the electronic transmission of ballots if available, and to register to vote at the polls late if they return home. The Secretary of State can, if necessary, contract with private companies to enable registration and voting by facsimile. The 2003 Act also amended or clarified other absentee voting laws where UOCAVA voters must be notified of their registration as fast as possible, including by fax or email. Other 2007 legislation affecting UOCAVA voters expanded use of the FWAB to state and local offices.

From the Top Down

The office of the Montana SOS is responsible for interpreting state election laws and implementing them uniformly, while the Elections and Government Services Division of the office is entrusted with this duty. The office is the “single point of contact” for information regarding UOCAVA voting procedures and reports. The SOS’s office issues directives to the counties by mail, fax, and email, and the Elections Division conducts bi-yearly training for election administrators.

Montana has 56 counties, and the county clerk in each jurisdiction registers voters and conducts elections. One person in each office usually handles UOCAVA voters, which election administrators believe is more efficient. It is also easier to preserve voter privacy, and the voter has one contact point. Understandably, though, smaller jurisdictions often

⁹Census 2000 Summary File 1 (SF1) 100-Percent Data

¹⁰Census 2000 Summary File 3 (SF3) Sample Data

have fewer staff who must handle multiple tasks. In larger offices with more UOCAVA voters, two people sometimes share the responsibilities.

The SOS's website provides access to laws and interpretations, but election administrators are largely self-taught, using resources from the Federal Voting Assistance Program (FVAP) or communicating with colleagues, and they meet yearly to discuss implementation and legal issues, including overseas and military voting issues..

Counties select their own computing systems based on available resources—most jurisdictions use standard, over-the-counter hardware and software to communicate with UOCAVA voters. The more tech-savvy counties seemed well-connected to their county's IT infrastructure in terms of server access and technical support. In some jurisdictions, voter registration rolls were actually kept on ledgers until HAVA demanded interactive databases, and some offices do not have fax machines at all.

Voting Process: Start to Finish

Regular close of registration is 30 days prior to election day. In 2006, Montana began allowing "late registration" up until the polls close for those who vote in person. UOCAVA voters returning to Montana during the 30-day period can register until noon on the day before an election to vote at the polls rather than wait in line at the election office to vote.

Any registered Montana voter can vote absentee without a reason and can apply for permanent absentee ballots for all elections, or just for federal elections. Local election officials send an address confirmation to each voter on the permanent absentee list 75 days before each election that must be signed and returned to confirm their ballot mailing address.

Military and overseas voters in Montana who wish to vote absentee can register—by mail, fax, or email if the county is so equipped—using the state registration form, the Federal Post Card Application (FPCA), or the FWAB transmission envelope. UOCAVA voters often use the state's absentee ballot application rather than the FPCA, especially if

Interviewees also recalled situations in which parents or relatives of UOCAVA voters came in with specific requests that could not be accommodated under current law, so election administrators recently lobbied for a Power of Attorney bill allowing the voter's designee to pick up a ballot, change an address, and apply for an absentee ballot.

they were registered in Montana prior to their move overseas, because of the permanent, no-reason, absentee voting law. A return notice of registration can be sent by fax or email.

When UOCAVA voters do not specifically request email or fax ballots, a regular absentee ballot is sent to their last known address. But in one jurisdiction, an astounding 90 percent of those ballots were returned as undeliverable in 2006. When there is time and a forwarding address, the clerks resend the ballot.

Currently, an absentee ballot request has to bear the voter's signature. Election administrators accept these requests with an electronic signature, but there is a growing awareness that military personnel may not have access to faxes or scanners. Interviewees also recalled situations in which parents or relatives of UOCAVA voters came in with specific requests that could not be accommodated under current law, so election administrators recently lobbied for a Power of Attorney bill allowing the voter's designee to pick up a ballot, change an address, and apply for an absentee ballot.

There is little consistency in actually creating emailed ballots. In one county, the vendor for the central scan technology creates the ballot layouts and sends PDF files to the clerk, who then emails them to UOCAVA voters requesting them. Another

county creates a PDF ballot that is emailed to the voter, who then completes the ballot online and returns it by email without a scanner and printer. In a third jurisdiction, the clerk scans ballots, names them by precinct, saves them as PDF files, and emails them. A fourth jurisdiction creates ballots in Microsoft Word format and emails those. Blank ballots can be faxed or mailed to voters—again, if the county has the capacity for it.

When a UOCAVA voter who was mailed an absentee ballot appears at a polling place, the absentee ballot is voided in the State's voter registration database and then reissued—an elaborate process and especially difficult on election day when county election administrators are troubleshooting other problems. All interviewees mentioned the effort that goes into keeping UOCAVA lists current to avoid these situations.

Regular voted absentee ballots must be received at the county clerk's office by 8 p.m. on election day. Military and overseas voters can fax or email their voted ballots if their county receives them in this manner. All email and fax returns of voted ballots have to be accompanied by a waiver of privacy. The waiver does not need a signature; it can simply be attached to the ballot.

Montana clerks take very seriously the mandate to keep fax and email votes private and secure. Jurisdictions that accept faxed ballots have gone to great lengths to minimize access to fax machines on which ballots may be received, including moving the machines into rooms with limited access. One clerk prefers email transmissions because emails sit in her inbox until she logs on and prints the ballot, whereas a fax may sit in the machine all night. She also likes emailing ballots better than faxing them because she feels more certain about who is on the other end. If a voted ballot is transmitted by email, the signature requirement on the privacy waiver is ignored because the clerk knows where the email came from.

As in other states, electronically transmitted ballots must be duplicated to be counted. After the ballot is duplicated and verified for accuracy, the ballot is added to all others and counted on election day. In Montana, 16 counties hand-count their ballots and 40 others use optical-scan systems. This simple distinction affects the

Most election administrators interviewed favored the expansion of electronic transmission, especially email balloting, to more voters in small counties.

procedures that individual offices have implemented and indicates how technologically advanced the respective jurisdictions are.

In at least one office, a voting cycle conducted entirely by email is as follows.

1. The clerk receives the original request for an email ballot.
2. The clerk emails back and notifies the voter that they will have to waive their right to privacy.
3. The voter emails back and acknowledges that they would like to continue the process.
4. Instructions, forms, and ballot are emailed to the voter.
5. The voter emails the ballot with the privacy waiver.
6. The clerk emails the voter an acknowledgement that the ballot was received.
7. The ballot must then be duplicated, validated, and counted.

Room for Improvement

As the number of UOCAVA voters increase, so do reports about difficulties in dealing with this population. One county reported that the mailing costs to UOCAVA voters are a significant burden on their county budget. Another suggested the biggest issue is bad addresses because the population is so mobile—and the post office does not forward mail. They also mentioned that mailed ballots handled through the postal system are often torn or folded and wrinkled so they cannot be scanned.

Election administrators spend significant resources educating UOCAVA voters, as very few UOCAVA voters seem to use the FVAP website, and few, if any, have contact with a Voting Assistance Officer (VAO). In fact, many voters learn about fax and email options from local election administrators

because the Secretary of State's website only mentions that some counties allow for faxing, and there is no mention of the email option.

Most election administrators interviewed favored the expansion of electronic transmission, especially email balloting, to more voters in small counties. Larger counties would need a considerably expanded infrastructure to handle more emailed and faxed ballots, so any new policy must consider population and density along with resource allocations. Most expressed that email ballots were their preferred option, saying, "Emailed ballots are less messy than faxed ballots." One official said, "Email is more reliable—you know where you sent it, and it stays in the inbox until you open it. With a fax, you never know who gets it."

Two Montana counties participated in the Integrated Voting Alternative Site (IVAS) program in 2006. After time-consuming setup problems, election administrators liked the program but still had reservations. Without direct communication with the voter, they cannot follow up if there are problems, and they were uneasy about "taking the word of the Department of Defense (DOD) for the voter being who they say they are" because election administrators get neither a registration form nor a signature.

The best election system for UOCAVA voters is "email without a middle man" according to election administrators. They want more control of a process for which they bear the ultimate responsibility, and the IVAS-type systems, which use a remote server, did not allow that kind of control.

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DRAFT

Executive Summary

A few strong patterns emerged across case study jurisdictions with respect to military and overseas voting and electronic transmission of voting materials.

First, State and local election officials are enthusiastic about facilitating the voting of this population, especially the active duty military who are serving overseas, and they are committed to protecting voter privacy. However, they are hindered by limited resources, lack of knowledge about resources and procedures, and technical incapacities. For example, while some local election officials knew about and took advantage of federally-paid postage on ballot materials to UOCAVA voters, several were unaware of it and spent local funds for mailings.

Researchers also encountered huge variation in the technical capability from one local jurisdiction to the next based on staff and computer systems. Also, voting by electronic transmission is limited because military and overseas voters don't know about their options. While some election officials promote these options, it is rarely comprehensive enough to reach all voters. Unfortunately, local election agencies have a disincentive to encourage widespread use of electronic transmission of voted ballots because it requires hiring staff to duplicate ballots so they can be run through the regular counting process. Paper ballots sent and received by regular mail in a timely fashion better meet the goals of voter privacy and administrative efficiency.

Second, from the perspective of State and local election administrators, the requirement to use UOCAVA registration information through two Federal election cycles is burdensome and costly. The impact of this law was first seen in the 2006 general election, which was the second Federal election since the law took effect, when local election officials were extremely dismayed at the great number of blank ballots returned as undeliverable, especially from military voters who have constant address changes and/or are discharged and return home between Federal elections. Local administrators also fear having blank ballots "out there" that do not come back

voted or undeliverable. A particular concern was discharged military voters who returned home and could not vote at the polls because they were sent an absentee ballot at their prior military address.

Third, State and local election administrators are greatly influenced by their concern with authenticating voters located outside the State or jurisdiction. Generally, electronic transmission of voting materials must be accompanied by an assurance that the voter is "who they say they are," but the preferred method for achieving that varies. Some officials believe email is the safer way to authenticate who is on the other end of a transmission, as voters need a password to access their email accounts—whereas a blank ballot may sit in a fax machine and anyone could simply vote it and return it. Regardless of security on the other end, all jurisdictions have safeguards such as barcodes and signature checks so that stray ballots cannot be fraudulently voted and returned unnoticed. Most local election administrators prefer direct contact through phone or email with absent voters; however, a benefit of both Integrated Voting Alternative Site (IVAS) 2006 "tools" was that the Department of Defense (DOD) authenticated each voter and eliminated the need for an original signature on the Federal Post Card Application (FPCA) ballot request form.

The four States were chosen based on variation in region, population size, population characteristics, and the application of laws across local jurisdictions. (See Appendix B) Their commonalities dwarfed any major differences. In all four States and the local jurisdictions studied, the military population was most of the UOCAVA population. Because the military population is fairly homogenous in any region of the United States, there were no great differences between voter groups in sample States and what they might need to facilitate voting. And because of the prevalence of military voters, the attention to UOCAVA voters was fairly high.

The uniform rules in South Carolina and Florida, compared to local variation in Montana and Illinois, also did not seem to produce different administrative

practices. For example, while State law allows Montana counties to vary in application of electronic transmission based on technical capabilities, the same type of administrative variation existed in South Carolina. The one factor that did make difference was population size and the corresponding effect on administrative structure. In Montana, where county populations are relatively small, rural, and remotely located, county election offices seemed to have more flexibility in terms of aiding UOCAVA voting and facilitating electronic transmission.

Recommendations

General Recommendations

State Laws

- States should allow persons with Power of Attorney for an absent voter to apply for that voter's absentee ballot. In one State that now has this law but did not have it during the November 2006 election, the father of a soldier in Iraq wanted to pick up his son's ballot and FedEx the ballot to him. The son did not complete an application with his own signature before leaving the country, and the father was not allowed to sign the absentee ballot application for his son.
- States should allow local election agencies to conduct pilot projects for military and overseas voting procedures, as good ideas often originate at the local level.

State Administration

- Develop training programs at the State level, and invite the local election officials (LEOs) to collaborate with the State on optional courses.
- State must provide resources and infrastructure support for better local computer and fax systems, and assist with uniform setup and troubleshooting.
- Local jurisdictions that do electronic transmission should communicate best practices to other jurisdictions in the State. States should encourage diffusion of useful technology and practices across jurisdictions.

- Voters should be encouraged to provide email addresses, and LEOs should be encouraged to use email to communicate with UOCAVA voters. Email is an easy, low cost, and fast way to communicate. Email addresses should be uploaded to the state-wide registration database.
- States must encourage and provide resources to local offices for periodic mailings to verify UOCAVA addresses to decrease undeliverable or unreturned blank ballots and to decrease the number of absentee ballots sent to former UOCAVA voters who return home but are not allowed to vote at the polls.

Local Administration

- LEOs should meet annually with the local post office staff to educate them on the UOCAVA mail they will encounter. Local United States Postal Service (USPS) line staff are not usually trained on handling UOCAVA and are unaware of time issues.
- LEOs must have access to information technology (IT) support in their office or through the county/local government infrastructure. Specifically, local election agencies must be part of the county/local government IT infrastructure so LEOs have server access and support and get the technology needed for electronic transmissions.

Education and Outreach

- Make sure all local jurisdictions know about Federal paid-postage for official ballot material for UOCAVA voters.
- Establish a nationwide training program and guide on the electronic transmission of voting materials. Training should start at the Federal level (Federal Voting Assistance Program) and be consistently available at State and local levels.
- FVAP should sponsor regular meetings between Voting Assistance Officers (VAOs) and LEOs in applicable jurisdictions to share information, forms, and educational materials and to update each other on changes. Bring civilian VAOs into the process by hosting a bi-yearly conference in the U.S. with

FVAP, military VAOs, LEOs, State election administrators, and USPS representatives to discuss UOCAVA voting. This could be a forum to educate LEOs about various UOCAVA populations (overseas civilian, overseas military, and domestic military) and the context in which they are voting (e.g., military structure, postal systems in the military and other countries, and embassy/consular resources).

- FVAP should develop standard outreach materials about voting options that States and LEOs can adapt and disseminate. For example, they could develop a sample outreach letter that is also an address verification letter. LEOs providing information about electronic transmission options on their websites is not enough.

Specific Recommended Practices for Electronic Transmission of UOCAVA Voting Materials

The following are specific practices employed or proposed by local election officials interviewed in the case study research and the implications of each for facilitating secure voting and for local election administration. It is not meant to be comprehensive but rather a compilation of ideas discovered during the research. Some ideas may only work in certain states and/or jurisdictions.

Researchers interviewed 11 State election administrators and 31 local election administrators from 15 local jurisdictions in four States (Illinois, Florida, South Carolina, and Montana). When visiting the four States, 40 interviews were conducted in person, and two interviews were conducted exclusively by telephone. Data collection with respect to most of the 15 local jurisdictions was supplemented by conversations over the telephone and through electronic mail exchanges. The following recommendations come from speaking directly to the local election officials (LEOs), mostly in their office environment, and from forms and documents where possible.

During the field work, researchers were advised about the following practices or potential practices

that make or might make absentee voting by UOCAVA voters easier and that may facilitate meeting deadlines, maintain the privacy of the voter, authenticate the voter and transmitted materials from that voter, and increase efficiency and reduce the burden on staff.

Faxing

Possible actions:

- Voter faxes the FPCA or ballot request to the LEO
- LEO faxes the blank ballot to the voter
- Voter faxes voted ballot to the LEO

Recommended practice: The office has a dedicated fax line just for UOCAVA materials and a dedicated person to retrieve and send UOCAVA materials from that fax machine.

Implications: One fax number and fax machine just for UOCAVA materials during the election season is a good way to maintain the privacy of the voter. If the fax machine is used for other purposes, then other staff may sort through faxes and see the voter's name, personal information, and/or ballot choices. A designated person to receive and send materials on that fax machine makes it easier to be certain that materials are going to and coming from the correct person. If others pick up the faxes, communication with the voter might break down and authentication of materials is more difficult. For a voted ballot, having a designated person also reduces to one the number of people who see the ballot and the voter's name. This one person can verify the signature and send the ballot on for duplication, possibly preventing the staff that duplicates it from seeing the name of the voter.

Recommended practice: The office has a secure fax line for UOCAVA materials. The easiest way to accomplish this is that the one person receiving faxes has the fax machine in his/her locked office. Another option is for that person to receive faxes directly on his/her password-protected personal computer, preferably in a locked office. This worked well in one jurisdiction visited, where the chief LEO received all UOCAVA faxes on her computer in her locked office.

Implications: This practice ensures security and increases privacy of the Federal Post Card Application (FPCA), ballot request, or voted ballot that is faxed from the voter to the LEO. If UOCAVA voters are given the fax number, which is linked to a secure fax retrieval system, then all materials will go to one place where only one person retrieves and sees them. This person can verify the signature of a voted ballot received in the secure system and send it for duplication without the identifying information.

Recommended practice: The office has toll-free fax phone numbers for UOCAVA voters.

Implications: This reduces the cost of voting for UOCAVA voters and allows them to submit their FPCA, ballot request, or voted ballot by the deadline.

Recommended practice: The office confirms receipt of fax by voter or from voter through simultaneous phone call or email.

Implications: Fax transmissions are inherently insecure, as there is no way at the time of faxing to ascertain who receives, sends, or sees faxes once sent. Therefore, the best method is to either be on the phone with the receiver or sender while the fax is transmitted, or to send email confirming the transmission and get an immediate positive email response to that confirmation.

Recommended practice: The office has software program to generate correct ballot styles for faxing.

Implications: Ballots are typically produced by off-site (sometimes out-of-State) printers or voting systems vendors. These may arrive too late for UOCAVA voters and/or may not fit into regular fax machines. Local election offices with the capacity to print ballots on 8.5 inch-wide paper will have an easier time faxing blank ballots to UOCAVA voters. This requires that the office have their ballot layouts in an electronic format from which they can then print all ballot styles. A computer program to take the UOCAVA voter information and generate the appropriate ballot style for each voter would

make this process even more efficient and cut down on the staff needed to produce ballots.

Recommended practice: LEO handling UOCAVA voters provides specialized service to meet technical needs of individual voters so that fax can be sent or received. For example, one overseas voter was in a town with only one fax machine, which was only available at certain times. The LEO got all the necessary information and faxed materials to this number when the voter said she could be there to receive it. Another example is military voters who cannot fax to civilian phone numbers from the secure Department of Defense (DOD) phone lines in Southeast Asia. A solution is for the voter to fax the document to his/her commander, and then the commander faxes it to the LEO.

Implications: This kind of specialized service takes extra time and commitment from the LEO handling UOCAVA voters, but they feel it is worth it to facilitate voting.

Recommended practice: Allow faxed ballots to be hand-counted or produce a machine that can scan ballots received by fax.

Implications: As faxing of voted ballots increases, local jurisdictions must hire more workers to duplicate the ballots so they can be counted in the same manner as other absentee ballots (typically scanned). Hand counting of faxed ballots might reduce the amount of staff needed (staff need only count, not duplicate and run ballots through scanner); however, it might further compromise privacy. A better practice may be to develop machines that can scan a voted ballot retrieved by fax on regular 8.5-inch-wide paper.

E-Mailing

Possible actions:

- LEO communicates with voter via email
- Voter emails the FPCA or ballot request to the LEO
- LEO emails the blank ballot to the voter
- Voter emails the voted ballot to the LEO

Recommended practice: The office solicits email addresses from all UOCAVA voters and maintains

database of those emails regardless of whether voter requested that his/her blank ballot be emailed. At a minimum, have an email address book for UOCAVA voters, and ultimately upload email addresses to state-wide voter registration database.

Implications: Email is an inexpensive, rapid way to communicate with UOCAVA voters about their absentee voting process. Communication can occur about obtaining and submitting the FPCA, ballot requests, and ballots. Email can be used by the LEO to confirm receipt of FPCAs, check receipt of blank ballots, and confirm receipt of voted ballots. Emails can also be used to provide important information about deadlines, transmission methods, upcoming elections, candidates, and initiatives. Email has an advantage over telephone calls because both parties do not need to be present at the same time. The online FPCA form asks for an email address, but many voters do not complete that field or they send in the actual postcard or the local ballot request form. In addition, some LEOs do not keypunch the email address off the FPCA, especially if the voter did not request the ballot by email or the State does not allow it. In many cases, the only email addresses the LEO has are those captured passively because a voter sends an email to the jurisdiction with an inquiry or requests that a ballot be emailed to him/her. Once ballots are sent or received, the LEO typically deletes the emails (for privacy) and consequently, deletes the email addresses. Email addresses can be actively solicited through postcard mailings to follow up on FPCA information and/or confirm mailing addresses, and through an appeal on the jurisdiction's website. If the State provides a field in the voter registration database for email addresses and requires that information be uploaded for UOCAVA voters, then LEOs will collect email addresses.

Recommended practice: The office designates one person to receive all UOCAVA email messages, communicate with voters via email, maintain email address database, and receive and send voting materials via email.

Implications: A designated communicator with UOCAVA voters can maintain the email address

database and be the one to accept and send voting materials by email. The address database can be as simple as a portion of the LEOs email address book. This single person helps maintain the privacy of the voter's personal information and ballot choices, and enhances the security of materials by having them sent to and from just one email address on the LEO end.

Recommended practice: Have all ballot styles put into a PDF format by local election staff, not just the ballot printer.

Implications: Paper ballots are typically produced by off-site (sometimes out-of-State) printers or voting systems vendors. To email paper ballots received from the printer, they must first be scanned. This process may be finished too late and takes extra staff and/or time. It makes more sense for the office to have their ballot layouts in an electronic format (either from the printer/vendor or what is sent to the printer/vendor) that can be converted to PDF files for emailing. In this way, blank ballots can be emailed earlier and create less burden for staff.

Recommended practice: Implement a computer program that matches a voter to their ballot style, automatically creates the ballots to email, and sends the emails.

Implications: Hand matching each UOCAVA voter to their ballot style and then emailing the appropriate blank ballot could take a great deal of time in a large jurisdiction. This process could be automated to ensure rapid receipt of blank ballots and free up staff to attend to special needs of UOCAVA voters.

Recommended practice: Put into place a process for confirming receipt of an emailed blank ballot and responding to bounces and non-responses. Each emailed blank ballot should request a return email acknowledging receipt on the other end. Follow-up phone calls could then be made to those whose emails bounced to get a corrected email address before sending the ballot by snail mail. Follow-up phone calls could also be made to those who did not send an email response confirming receipt.

Implications: Confirming receipt of blank ballots puts both the voter and the LEO at ease in terms of ballot security. The LEO can confirm that the blank ballot was received by the intended voter, and the voter can confirm that they were sent the appropriate blank ballot. This immediate follow-up and possible correction can also prevent missed deadlines.

Recommended practice: Put into place a process for confirming receipt of emailed voted ballot. A designated person at local offices should email a confirming receipt to each voter who emailed a voted ballot. This allows a voter to respond if they did not, in fact, send the ballot. Bounced emails and non-responses should be followed up with phone calls.

Implications: Confirming receipt of voted ballots puts both the voter and the LEO at ease in terms of ballot security. The LEO can confirm the ballot received came from the correct voter, and the voter can confirm their ballot was received and will be counted. This immediate follow-up and possible correction can also prevent missed deadlines.

Recommended practice: Allow emailed ballots

to be hand-counted or produce machines that can scan ballots received by email.

Implications: As emailing of voted ballots increases, the local jurisdiction must hire workers to duplicate the ballots so they can be counted in the same manner as other absentee ballots (typically scanned). Hand counting emailed ballots might reduce the amount of staff needed (staff need only count, not duplicate and run ballots through scanner), but it might compromise privacy. A better practice may be to develop machines that can scan a voted ballot retrieved by email and printed on regular 8.5-inch-wide paper.

Recommended practice: Going through a secure DOD server such as used in Integrated Voting Alternative Site (IVAS) Tool 2 to transmit materials.

Implications: Most LEOs interviewed did not like this because it meant that they did not have direct email contact with the voter. They felt more secure when registrations, ballot requests, and ballots were emailed directly back and forth. However, one LEO pointed out the nice aspect of IVAS Tool 2 was that the voter did not have to seek out his/her LEO, because the server was a central place that did that for them.

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Absent Uniformed Services Voter

An active duty member of the uniformed services (Army, Navy, Air Force, Marine Corps, and Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration), a member of the Merchant Marine, or a spouse or dependent of either of those, who is, by reason of such active duty or service in the Merchant Marine, absent from the place of residence where the member is otherwise qualified to vote. “Absent from the place of residence” means “out of the local voting jurisdiction,” which in many States, translates to “out of county.” Absent uniformed services voters, sometimes called “military voters” for brevity, do not need to be overseas to fall under Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA); they only need be out of their local voting jurisdiction.

Electronic Transmission

Either faxing or emailing the Federal Post Card Application (FPCA) or ballot request by the voter, the blank ballot to the voter, and/or the voted ballot by the voter; Appendix B of the Voting Assistance Guide (published as book and online by the FVAP) provides guidelines for electronic transmission

Federal Post Card Application (FPCA)

Postage-free postcard, printed and distributed by Federal Voting Assistance Program (FVAP) for use by absentee voters covered by UOCAVA, which simultaneously registers and requests an absentee ballot for the voter. The FPCA is also known as “Standard Form 76” (or SF76).

Federal Voting Assistance Program

The agency within the Department of Defense that administers the Federal responsibilities of the Presidential Designee under UOCAVA. The Secretary of Defense is the Presidential Designee responsible for Federal functions under UOCAVA.

Federal Write-in Absentee Ballot (FWAB)

The FWAB or Standard Form 186 (SF 186) is a “back-up ballot” for UOCAVA voters who made a

timely request for an absentee ballot but did not receive it. A FWAB contains a declaration/affirmation that is essentially the same information gathered on the FPCA (and which some States may use as a registration) and a section for listing choice of candidates for Federal offices (as well as any other offices the State allows). While there is a minimum requirement for use of the FWAB, about twelve States use it for more purposes, such as for registration or voting on State or local offices. The FWAB is available in hard copy or online at the FVAP website. The online version can be mailed using the same postage-free envelope used for the FPCA.

Help America Vote Act (HAVA)

A Federal law enacted in 2002 to improve and increase the uniformity of election administration. HAVA has several sections relating to voters that are covered by UOCAVA and consequently amended UOCAVA.

Integrated Voting Alternative Site (IVAS 2006)

The 2006 successor to IVAS 2004 that provided two tools for States that voluntarily participated in the program; assisted voters in obtaining ballots and added a new portion of the FVAP website listing electronic alternatives provided by each State and territory.

Interim Voting Assistance System (IVAS 2004)

Program administered by FVAP that allowed States who voluntarily participated in the program to have previously registered DOD-affiliated voters request and receive absentee ballots for the 2004 general election over a secure DOD server.

IVAS Tool 1

For participating States and local jurisdictions, previously registered DOD-affiliated voters with access to a secure DOD system completed an “Automated FPCA” online and then emailed it directly to their local election official. This Automated FPCA showed that it was generated via IVAS and did not require a signature.

IVAS Tool 2

For participating States and local jurisdictions, previously registered DOD-affiliated voters with access to a secure DOD system completed an “Automated FPCA” online, which the local election official downloads. This Automated FPCA showed that it was generated via IVAS and did not require a signature. If the FPCA is approved, the local election official then uploaded a PDF of the blank ballot onto the server and the voter was alerted and able to download and print the ballot. After completing the printed ballot, the voter had to return it in accordance with State law and not through the IVAS system.

Legal Voting Residence for Overseas Citizens

Address in the State where individual resides or last resided before leaving the United States. This applies to those who no longer own or rent at that address and their intent to return is uncertain.

Legal Voting Residence for Uniformed Services Members and Families

Address in a State where individual has met the State’s residency requirement, generally where individual has or has had a physical presence and an intent to remain to make the State ones home. Only one legal residence at a time and any change of legal residence must be deliberate and established through actions, including when reverting to a previous residence. While it can be the same address, “legal voting residence” is different from the “home of record,” which is the address the individual had upon entering the service and which does not change.

Local Election Officials (LEOs)

LEOs are the individuals responsible for registration and/or voting in the local jurisdiction that conducts elections, such as the county, city, or parish.

National Voter Registration Act (NVRA)

A federal law enacted in 1993 to enhance the ability of Americans to register to vote and to

maintain their registration, through, for example, agencies such as motor vehicles departments. It also mandated development of a national mail-in registration form that can be used in all States. The original act gave enforcement powers to the U.S. Department of Justice and gave responsibility for implementation to the Federal Election Commission (FEC). An amendment in the Help America Vote Act (HAVA) of 2002 transferred the FEC’s responsibilities under the Act to the U.S. Election Assistance Commission. The Act is sometimes called the ‘Motor Voter Act.’

Overseas Citizen temporarily out of the United States

U.S. citizen with a residence in the United States who will be outside of the territorial limits of the United States on election day for any reason, including employment and travel.

Overseas Citizen permanently residing outside the United States

U.S. citizen who resides outside the territorial limits of the United States and is qualified to vote or would be qualified to vote in the last place in which he/she domiciled before leaving the United States.

Overseas Voter

U.S. citizen outside the territorial limits of the United States on election day. While this includes active duty uniformed services who are, by reason of active duty, outside the territorial limits of the United States, it typically refers to civilians because uniformed services voters are usually put in their own category.

Secure Electronic Registration and Voting Experiment (SERVE)

A demonstration project planned for the 2004 general election to develop a web-based registration and voting system that could be accessed from any computer in any location. SERVE was cancelled in 2004 because of security concerns raised by independent computer scientists.

State/Special Write-in Absentee Ballot (SWAB)

For a particular State, a write-in ballot that allows UOCAVA voters to write in their choices for candidate or parties for different elected offices (usually more than Federal offices) rather than receive a regular absentee ballot. Typically, a SWAB is requested and sent out several months before the election to voters who will not be able to receive the regular absentee ballot because of their activities or location. The State must have statutes that establish a SWAB and defines its use.

Uniformed And Overseas Citizens Absentee Voting Act (UOCAVA)

A Federal law enacted in 1986 as Public Law 99-410 and amended by four subsequent laws, governing registration and absentee voting for uniformed and overseas citizens.

UOCAVA voter

An absentee voter covered by UOCAVA (an absent uniformed services voter or overseas

voter); sometimes also called a “Federal voter,” or “Federal elector.” For brevity in this report, may be simply referred to “military or overseas voter,” with the absence implied.

Voting Assistance Program

Program within each Federal department and agency with employees covered by UOCAVA with the objective of assisting those citizens to vote.

Voting Assistance Officers (VAOs)

Individuals, in each Federal department and agency with employees covered by UOCAVA, who are responsible for providing accurate, non-partisan voting information and assistance to those citizens attempting to exercise their constitutional right to vote. VAOs are provided online and in person training by FVAP.

Voting over the Internet Project (VOI)

A pilot project allowing a small sample of UOCAVA voters to register and vote over the Internet using dedicated personal computers during the 2000 general election.

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ET cat.	Case Study Site	Electronic Transmission (ET) Options		Number of UOCAVA Voters 2004	Region of USA	Other	Within Case Analysis	Cross-Case Analysis
		Email	Fax					
Email voted ballots and also allow faxing	Montana	<ul style="list-style-type: none"> Email voted ballot in select counties Email blank ballots in all counties IVAS Tool 2 (upload blank ballot for DOD-affiliated voters) in 2 counties Email FPCA for registration in all counties 	<ul style="list-style-type: none"> Fax of voted ballot in over 30 counties Fax of blank ballots in all counties Fax of FPCA in all counties 	<ul style="list-style-type: none"> 4,721 ballots sent 3,490 ballots returned 	Northwest	<ul style="list-style-type: none"> Allowed some emailing in 2004 Participated in IVAS 2004 One of three States implementing IVAS Tool 2 	<ul style="list-style-type: none"> Examine variation in several choices regarding electronic transmission across local jurisdictions Examine email vs. fax experience with voted ballots, and email vs. fax experience with blank ballots 	<ul style="list-style-type: none"> Relatively small UOCAVA population compared to other States in sample Regional and size contrast with other emailing voted ballot State (South Carolina)
	South Carolina	<ul style="list-style-type: none"> Email voted ballots in all counties Email blank ballots in all counties 	<ul style="list-style-type: none"> Fax of voted ballots in all counties Fax of blank ballots in all counties Fax of FPCA in all counties 	<ul style="list-style-type: none"> 168,814 ballots sent 157,990 ballots returned ** We learned later that it was actually 8078 ballots sent and 5533 ballots returned 	Southeast	<ul style="list-style-type: none"> High number of military voters State participated in Voting over the Internet Project (VOI) for 2000 general election and made process available to all UOCAVA voters Participated in IVAS 2004 	<ul style="list-style-type: none"> Examine uniform electronic transmission across State Examine email vs. fax ballots, and email vs. fax experience with blank ballots Investigate experience with VOI in 2000 	<ul style="list-style-type: none"> Regional contrast with other emailing voted ballot State (Montana)
	Florida	<ul style="list-style-type: none"> Email blank ballots in all counties, except military in US 	<ul style="list-style-type: none"> Fax of voted ballots in all counties, except military in US Fax of blank ballots in all counties, except military in US Fax of FPCA in all counties for ballot request 	<ul style="list-style-type: none"> 122,194 ballots sent 93,524 ballots returned 	South	<ul style="list-style-type: none"> Allow request of blank ballot by telephone for registered UOCAVA voters Pat Hollam work developing internet voting Participation in VOI 2000 general election 	<ul style="list-style-type: none"> Examine uniform electronic transmission across State Examine why location of voter determines electronic choice Examine email vs. fax experience of blank ballots Investigate experience with VOI 2000 	<ul style="list-style-type: none"> Regional and size contrast with other emailing blank ballot State (Illinois) Compare to other States without telephone alternative
	Illinois	<ul style="list-style-type: none"> IVAS Tool 1 (email ballot request for DOD-affiliated voters) in Chicago and Cook County Email blank ballot to all UOCAVA in Chicago and Cook County 	<ul style="list-style-type: none"> Fax of FPCA for ballot request for military in all counties Fax of FPCA for ballot request for overseas civilians in Chicago and Cook County 	<ul style="list-style-type: none"> 30,556 ballots sent 26,639 ballots returned 	Midwest	<ul style="list-style-type: none"> One of several (~7) States implementing IVAS Tool 1 	<ul style="list-style-type: none"> Examine variation in several choices re electronic transmission across local jurisdictions Examine email vs. fax experience for FPCA for ballot request 	<ul style="list-style-type: none"> Regional and size contrast with other emailing blank ballot State (Florida) Moderate size UOCAVA population compared to other States

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	Illinois	Florida	South Carolina	Montana
State agency in charge of elections	State Board of Elections (8 members)	Department of State	State Election Commission (5 members)	Secretary of State's Office
Chief election official	Executive Director of SBE	Secretary of State (appointed)	Executive Director of SEC	Secretary of State (elected)
Sub-agency		Division of Elections		Elections Division
Local jurisdictions	102 Counties and 8 Cities	67 Counties	46 Counties	56 Counties
Local election officials	101 County Clerks, 1 County Election Commission, and 8 City Election Commissions (clerks are elected, commission members are appointed)	County Supervisors of Elections (65 elected, 2 appointed)	11 Counties with separate Board of Voter Registration and Election Commission, 35 Boards of Elections and Voter Registration (all members are appointed)	County Clerks (elected)
Registered voters in 2006¹¹	7,375,688	10,433,849	2,452,714	538,374
Total ballots cast November 2006¹¹	3,587,676	4,386,339	1,103,933	414,594
Absentee ballots cast in 2006 (including UOCAVA)¹¹	71,665	750,762	76,132	121,303
Best estimate of UOCAVA ballots cast in 2006¹²	6534	27,469	1686	1121
UOCAVA voters in each jurisdiction in 2006¹⁷	From 1 to 1597	From 2 to 3443	From 0 to 222	From 0 to 229

¹¹Source is each State's election agency website

¹²Source is documents and data collected from State and local election officials

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	<p>Illinois</p> <p>“Members of the Armed Forces. Any member of the United States Armed Forces while on active duty, otherwise qualified to vote, who expects in the course of his or her duties to be absent from the county in which he or she resides on the day of holding any election, in addition to any other method of making application for an absentee ballot under this Article, may make application for an absentee ballot to the election authority having jurisdiction over his or her precinct of residence by a facsimile machine or electronic transmission not less than 10 days before the election. Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots voted under this Section must be returned to the election authority before the closing of the polls on the day of election and must be counted at the election authority’s central ballot counting location.”</p>	<p>Florida</p> <p>“Electronic transmission of election materials.--The Department of State shall determine whether secure electronic means can be established for receiving ballots from overseas voters. If such security can be established, the department shall adopt rules to authorize a supervisor of elections to accept from an overseas voter a request for an absentee ballot or a voted absentee ballot by secure facsimile machine transmission or other secure electronic means. The rules must provide that in order to accept a voted ballot, the verification of the voter must be established, the security of the transmission must be established, and each ballot received must be recorded.”</p>	<p>South Carolina</p> <p>“Absentee ballots as provided by Uniformed and Overseas Citizens Absentee Voting Act. (A) To ensure that all South Carolina residents eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the United States Code, Title 42, Section 1973ff, et seq., have the opportunity to receive and cast any ballot they would have been eligible to cast if they resided in and had remained in South Carolina, the State Election Commission must, in cooperation with United States government agencies, take all steps and action as may be necessary including, but not limited to, electronic transmissions of Standard Form 76 issued by the Federal government as an application for voter registration and an application for absentee ballots and electronic transmissions of absentee ballots to or from any elector eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act.”</p>	<p>Montana</p> <p>“Registration and voting by facsimile and Internet authorized. Notwithstanding other provisions of this title, each election administrator may, in any primary election, general election, and special election, take the following acts by facsimile transmission, if facsimile facilities are available, or electronically through the Internet for a United States elector, if Internet facilities that provide for secrecy are available, in place of the public mails: (1) register an individual to vote; (2) give notice of registration; (3) receive requests for an absentee ballot; (4) transmit absentee ballots to electors; and (5) receive absentee ballots from electors.”</p>
<p>Language in State statutes about electronic transmission of voting materials</p>	<p>Active duty members of Armed Forces.</p>	<p>Overseas UOCAVA eligible voters.</p>	<p>UOCAVA eligible voters.</p>	<p>UOCAVA eligible voters.</p>
<p>Population to which electronic transmission applies</p>	<p>28 days; postmarked 28th day accepted.</p>	<p>29 days; postmarked 29th day accepted.</p>	<p>30 days; postmarked 30th day is accepted.</p>	<p>30 days; postmarked 30th day and received in 3 days accepted.</p>
<p>Close of registration books</p>				

<p>Late registration for UOCAVA or former UOCAVA returned to home voting jurisdiction</p>	<p>If in or discharged (within 60 days of election) from Armed Forces and return home within the 28 days, can vote at own polling place without registration.</p>	<p>If discharged from uniformed services or from employment outside United States within the 29 days, can register at the election office up until 5:00 p.m. on the Friday before the election.</p>	<p>If discharged from the Armed Forces and return home within 30 days, can register at the county voter registration office up until 5:00 p.m. on election day.</p>	<p>UOCAVA voters who returned home within 30 days can register up to noon the day before the election.</p>
<p>Registration for UOCAVA – form and time</p>	<p>Temporarily overseas civilians can submit the State registration form or the FPCA for registration at least 28 days before the election. Military and temporarily overseas who are not registered and request a ballot through the FPCA are automatically registered. Military can submit FPCA for registration and ballot request up to 10 days before the election. Former residents of Illinois who are indefinitely living overseas must use the FPCA to request a ballot. The State registration form and FPCA can be submitted in person or by mail.</p>	<p>For all UOCAVA, the State registration form or the FPCA to register must be received by the county at least 29 days before the election with the oath affirmed and signed. Either form for registration must have original signature as opposed to only a scanned signature; however, having a witness of the oath is not required.</p>	<p>UOCAVA voters can register using the State form or the FPCA submitted in person or by mail. If submitted by mail, the form must be postmarked 30 days before the election.</p>	<p>UOCAVA voters can register by submitting, at least 30 days before the election, the State registration form, the FPCA, or the FWAB transmission envelope. The FPCA and FWAB transmission envelope are also automatic requests for absentee ballots.</p>
<p>Electronic options for registration</p>	<p>The FPCA can be faxed, but an original signature is needed, so the hard copy must follow at the latest with the voted ballot.</p>	<p>No electronic options for UOCAVA voter registration. To register, the voter must submit a hard copy form with an original signature to the county office.¹³</p>	<p>The FPCA can be faxed, but an original signature is needed, so the hard copy must follow.</p>	<p>All registration forms from UOCAVA voters can be faxed or emailed and do not require an original signature or hard copy to follow. A scanned signature is sufficient.</p>
<p>Absentee ballot requests - applies to all voters</p>	<p>Need one of 11 reasons unable to go to polls (reasons printed on local jurisdictions version of State prescribed request form). Request must be received in mail 5 to 40 days before the election or in person 1-40 days prior to the election. Original signature must be on file.</p>	<p>Do not need reason. State application by 5:00 p.m. on sixth day before election. Request in person, in writing, or by phone; can be requested by immediate family.</p>	<p>Need one of 17 given reasons un able to go to polls. Reasons printed on State absentee ballot request form.</p>	<p>Do not need reason.</p>

¹³Once registered, the overseas voters can fax or email the FPCA for a ballot request.

<p>Does State have permanent Regular Absentee Voters?</p>	<p>No - Absentee ballot application/request good for one election.¹⁴</p>	<p>No. One application good for calendar year.</p>	<p>No. State absentee ballot application/request good for one election.</p>	<p>Yes. Can request absentee ballots to be sent for all elections or just for Federal elections.</p>
<p>UOCAVA ballot request</p>	<p>Military who will be absent from local jurisdiction on election day can request ballot with local jurisdiction's form without being registered. Military and temporarily overseas civilians may use local jurisdiction's absentee ballot request form or FPCA, and either must be received by the local election office by the 10th day before the election. Former residents of an IL jurisdiction who reside indefinitely overseas must use the FPCA. Original signature is required for any absentee ballot request. Hard copy of absentee ballot request with original signature is required at least by time of vote.</p>	<p>If already registered, UOCAVA voters can submit the regular State ballot request or the FPCA by 5:00 p.m. on the sixth day before the election.</p>	<p>State absentee ballot application must be requested in person, by phone, by mail or through an immediate family member. Once received, the application can be completed and returned as early as January 1, and by mail by 5:00 p.m. of the fourth day before the election or in person up to 5pm the day before the election. FPCA that is used to register and request a ballot must be in at least 30 days before the election. FPCA for already registered voters must be in by 4 days before the election.</p>	<p>Regular absentee ballots requests are made by using the State application or by written request with birth date and signature, mailed, or delivered in person between 75 days and noon the day before the election. As of the general election of 2006, only the voter's signature was accepted for issuing of an absentee ballot.¹⁵ Registered UOCAVA voters can apply for absentee ballot with State application, written request with birth date and signature, FPCA, or FWAB transmission envelope from any date until noon the day before the election. If not registered, UOCAVA voter can use the FPCA or FWAB transmission envelope to request a ballot and automatically register if submitted by 30th day before election.¹⁶ Requests by UOCAVA voters are good for the next two Federal elections but only for the State and local elections during the calendar year.</p>

¹⁴UOCAVA voter's absentee ballot application is good for every election in the calendar year; and the FPCA is good for two Federal election cycles.

¹⁵During the legislative session of 2007, a law was enacted that allowed a person with Power of Attorney to apply for and sign for a UOCAVA voter's ballot.

¹⁶Legislation enacted by the 2007 legislature and effective on October 1, 2007 that expands use of the FWAB moves the deadline for request for regular absentee ballot to 30 days before the election and removes the application for absentee ballot by FWAB transmission envelope.

<p>Electronic options for ballot request</p>	<p>Active duty military can send ballot request by fax.</p>	<p>If already registered, overseas voters (not military in the US) can send either regular State ballot request or FPCA by fax or email.</p>	<p>FPCA can be faxed, but must be followed with the original sent in the regular mail.</p>	<p>All requests from UOCAVA voters can be faxed or emailed and do not require an original signature or hard copy to follow. A scanned signature is sufficient.</p>
<p>Mailing of blank ballot to UOCAVA – method and deadline</p>	<p>Mailed 35 days before primary and general elections to UOCAVA voters who are overseas. Domestic military will be sent ballots as soon as they are available. Ballots must be sent by “forwardable” mail to those qualified under UOCAVA. If an overseas voter has provided an email address in their absentee ballot request, supervisor of elections office must email a list of candidates at least 30 days before each primary and general election.</p> <p>45 days before a primary and 60 days before a general election.</p>	<p>Mailed at least 45 days before the primary and general elections. The primary ballot sent to UOCAVA voters is sent with an Instant Runoff Voting ballot to be used in the event of a second runoff primary. If ballots are not ready at the time the UOCAVA voter requests one, the registration board must provide a blank ballot in which a voter can write his selection of candidates, parties, and support or opposition of measures. (This is not the official State/Special Write-in Ballot.)</p>	<p>All absentee ballots must be printed and available for mailing 30 days before a Federal primary election, 45 days before a Federal general election, and 20 days before odd year elections.</p>	<p>Ballots to UOCAVA voters are a priority over other absentee ballots and must be sent by the fastest method possible, including fax or e-mail.</p>
<p>Electronic options for sending blank ballot</p>	<p>No electronic options.</p>	<p>Overseas voter can request that their blank ballots be emailed or faxed to them.</p>	<p>UOCAVA voters can request that their blank ballots be emailed or faxed to them.</p>	<p>Law does not limit the offices for which any type of UOCAVA voter can vote.</p>
<p>Offices on ballot</p>	<p>Non-resident civilians living indefinitely overseas vote on Federal offices only. Illinois residents who are temporarily overseas and not registered to vote and who make request between 10-30 days before the election get ballot with Federal offices only.</p>	<p>Law does not limit the offices for which any type of UOCAVA voter can vote.</p>	<p>Non-resident civilians living indefinitely overseas vote on Federal offices only. All other UOCAVA voters can vote on local, State, and Federal offices.</p>	<p>Law does not limit the offices for which any type of UOCAVA voter can vote.</p>

<p>Special or State Write-in Ballot?</p>	<p>If ballots not ready 60 days before general election, overseas voters must be sent a Special Write-in Absentee Voter Blank Ballot and list of candidates.</p>	<p>If, due to military duties or other contingencies, a voter will not be able to vote during the regular absentee voting period, voter can request, 90-180 days before the election, a "State write-in absentee ballot," which includes all offices for which the voter would otherwise vote (Federal, State, local); voter can designate choices by names or parties. Labels stating this situation are available in the State's Voting Assistance Guide, or it can be written into the FPCA.</p>	<p>If, due to military duties or living in isolated or remote area so unable to vote a regular absentee ballot, voter can request, 90 days or less before an election a "Special Write-in Absentee Ballot" for that election. The SWAB will list the State and Federal offices on the ballot and names of candidates if available. Voter can designate names or parties. Labels stating this situation are available in the State's Voting Assistance Guide, or it can be written into the FPCA.</p>	<p>Nothing during the general election of 2006. A law allowing use of the Federal Write-in Absentee Ballot for non-Federal offices was enacted during the legislative session of 2007. The bill was titled "Special write-in absentee ballot for military and overseas voters;" and was originally proposed to establish a SWAB but was amended to simply allow the expanded use of the FWAB.</p>
<p>Return voted ballot – method and deadline</p>	<p>Signed voter certification on outside of envelope and delivered in person or by mail. If returned by mail and postmarked by midnight before the election, will be counted if received within 14 days after election day for all absentee voters, UOCAVA or not.</p>	<p>All absentee ballots can be returned by mail or in person. Overseas UOCAVA voters (not out of county military who are in the U.S.) may return ballots also by fax. Faxed ballots and the accompanying voter certificate must be received at the supervisor of elections by 7:00 p.m. on election day. Mailed absentee ballots must have a date next to the signature on the voter's certificate, and the Federal portion of the ballot will be counted if voted by election day (based on date on outside of envelope) and received within 10 days after the election.</p>	<p>Absentee ballots must be received at the county election commission by the close of polls on election day and can be delivered in person, by mail, or by another person with authorization to deliver it. The oath on the outside of the return envelope must be signed and witnessed.</p>	<p>Regular absentee ballots must be received at the county clerk's office by 8:00 p.m. on election day. UOCAVA voters who request an absentee ballot before the 30-day deadline and have not received it can vote using FWAB, which must be sent by 8pm on election day and received no later than the Monday after election day. FWAB voter who subsequently receives the regular ballot can also vote and return the regular ballot.</p>
<p>Electronic Options for returning voted ballot</p>	<p>No electronic options.</p>	<p>Overseas UOCAVA voters may return ballots by fax.</p>	<p>UOCAVA voters can fax or email their voted ballots with the signed oath and no witness, but a waiver of the right to a secret ballot is required.</p>	<p>UOCAVA voters have an option of sending voted ballots by fax or email in some counties. The waiver of the right to a secret ballot must be attached to the fax or email, but it does not need to be signed in the case of email.</p>

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	Illinois	Florida	South Carolina	Montana
<p>Election officials' perspective on UOCAVA voting</p>	<ul style="list-style-type: none"> State encourages locals to facilitate UOCAVA voting Local tracks down voters and gives specialized service Local go out of way for military more than for civilian overseas who are believed to have access to more resources 	<ul style="list-style-type: none"> State law and administration focus on overseas (not domestic military) because of difficulty getting ballot through international mail Local consider overseas a priority, but try to provide good service to all UOCAVA; send ballots as soon as can, earlier than required Civilians and military have different needs; military move more often Content of ballot (local and State offices included or not) varies by Supervisor of Elections 	<ul style="list-style-type: none"> State enthusiasm about assisting UOCAVA voters but State election officials are generally unaware of the lack of electronic transmission at the county level; Local enthusiasm about helping military and overseas but mostly concerned about difficulties such as mailing ballots to bad addresses (e.g., UOCAVA voters sent an absentee ballot and then showing up at the polls, and parents of soldiers who want to get ballots to them) Locals are very concerned with protecting blank ballots sent out and protecting the privacy of voted ballots returned electronically 	<ul style="list-style-type: none"> State unaware of how electronic transmission implemented at the local level Local enthusiasm about helping military and overseas but mostly concerned about difficulties such as mailing ballots to bad addresses (e.g., UOCAVA voters sent an absentee ballot and then showing up at the polls, and parents of soldiers who want to get ballots to them) Locals are very concerned with protecting blank ballots sent out and protecting the privacy of voted ballots returned electronically
<p>Extent of use of electronic transmission</p>	<ul style="list-style-type: none"> Faxing FPCA's vary in use from common in two jurisdictions to very rare in one (about 5 in 2006) Two jurisdictions accepted FPCA by email and emailed from 97-136 blank ballots for November 2006 (2.3-2.5% of all sent), including approximately 25-40 through IVAS 	<ul style="list-style-type: none"> 1-3% of blank ballots sent to all UOCAVA voters were sent by email; approximately 5-8% of blank ballots sent to those UOCAVA voters eligible for emailed blank ballots, were sent by email .5-1.5% faxed of all UOCAVA; 2-5% faxed back ballot of those who could 	<ul style="list-style-type: none"> Very little, voters don't request often; in six counties, requests of email and/or fax from 0-10 (or 1-10% of all ballots sent) 	<ul style="list-style-type: none"> Substantial use of ET considering small UOCAVA population; in four counties, 1.8- 26% of ballots sent out were emailed or faxed

<p>Difference between ET methods</p>	<ul style="list-style-type: none"> For voter, email and fax of FPCA are not that much different because need original signature - either way starts process but not complete, hard copy must come back with ballot at the latest, so for voter depends on what is available to them. However, most jurisdictions only have the fax option, and only for military. For one jurisdiction facilitating faxing of FPCA through email message takes longer than getting FPCA through email For two jurisdictions that email and fax blank ballot, email seems more common because requested more often 	<ul style="list-style-type: none"> Difference between email and fax of blank ballot depends on resources available to them; groups within military vary in access to email, printers, and fax machines 	<ul style="list-style-type: none"> All same rules but differs in ET based on variation in technical resources of county and knowledge and experience of county registration staff Variation in capacity based on separation or consolidation of election and registration; in one county with separate staff, the registration staff who emails the ballots did not receive the ballot layout from the elections staff (who produce the ballots) so the blank ballots were not emailed to any UOCAVA voters Variation in how to maintain lists of UOCAVA voters, specifically keeping emails, fax #'s, addresses, lists by date of registration, or by simply relying on the State registration database Difference in which elections (just Federal or others, too) send ballots for FPCA 	<ul style="list-style-type: none"> Difference between email and fax of blank ballot: email is easier to do, easier to know who's on other end, and doesn't require a signature; local election officials prefer email Difference between email and fax of voted ballot: must waive privacy with either, but with email, they don't require a signature on the waiver —just that the voter sees, reads, and sends it back Disincentive among local election officials: ballot must be duplicated if either emailed or faxed
<p>Variation across local jurisdictions</p>	<ul style="list-style-type: none"> Difference in use of ET No difference in effort to assist military Extension of ET to overseas civilians in two jurisdictions not administratively significant Difference in which elections (just Federal or others, too) send ballots for after FPCA 	<ul style="list-style-type: none"> All same rules but variation in effort based on number of UOCAVA voters and their needs (e.g., military have different needs, so larger number of military influences actions of SOE) 	<ul style="list-style-type: none"> Variation in electronic transmission based on population and number of requests (largest county in sample faxed, emailed, or uploaded only 1.8% of blank ballots, but second largest county in sample had requests for and sent almost 25% electronically); a relatively small county with a larger UOCAVA population sent 3.7% of ballots electronically, but a small county with a very small UOCAVA population sent over 25% of ballots electronically Variation in technical capacity: some had little capacity and others had great tools, but no one had the same tools (e.g., in one large county, clerk did not have computer capacity to received emailed ballots; in another large county, the clerk received faxes on her secure computer; in a smaller county, IT department provided clerk with a PDF of the ballot that could be transmitted both ways by email) 	

<p>Improvements needed (in no particular order)</p>	<ul style="list-style-type: none"> • Outreach to voters on FPCA submission alternatives • Use email to communicate with more UOCAVA voters • Encourage local jurisdictions to have electronic database of email addresses for all UOCAVA voters (not just those that ask for emailed ballot) 	<ul style="list-style-type: none"> • Outreach to voters on ballot receipt and submission alternatives • Obtain more email addresses and use email to communicate with more UOCAVA voters 	<ul style="list-style-type: none"> • Outreach to voters on ballot receipt and submission alternatives • Obtain more email addresses and use email to communicate with more UOCAVA voters • Encourage local jurisdictions to have electronic database of email addresses for all UOCAVA voters (not just those that ask for emailed ballot) • Technological standardization in terms of what is needed to electronically communicate with and transmit materials to UOCAVA voters 	<ul style="list-style-type: none"> • Technological standardization in terms of what is needed to electronically communicate with and transmit materials to UOCAVA voters; encourage use of helpful technical tools across counties. • Ability for individual with Power of Attorney to apply for and collect absentee ballot for overseas voter (County Clerks wanted this law and it was enacted in the 2007 session) • Outreach to voters on ballot receipt and submission alternatives
<p>Issues with expanding ET</p>	<ul style="list-style-type: none"> • Would need more staff and/or computer program to email blank ballots to all UOCAVA • Would need more staff and/or computer program to email blank ballots to all UOCAVA 	<ul style="list-style-type: none"> • Would need more staff and/or computer program to email blank ballots to all UOCAVA • Would need more judges to duplicate ballots if expansion in ET of voted ballots 	<ul style="list-style-type: none"> • Expanding from VOI (47) to all UOCAVA (6000+) would require additional software and hardware capacity at the State level because of centralized registration system • At local level, expanding would require more staff assistance and poll managers to replicate 	<ul style="list-style-type: none"> • Would need greater technical capacity and assistance in some counties • At local level, expanding would require more staff assistance and election judges to replicate ballots

<p>Past ET efforts/ experience</p>	<ul style="list-style-type: none"> Allowed Gulf War soldiers to fax voted ballots in 1992 Two jurisdictions expand use of ET, including participation in IVAS 2006 Tool #1. Did not choose Tool #2 because easier to send ballot directly 	<ul style="list-style-type: none"> VOI was only tried in a few counties but was exciting and successful; about 86 total voters participated in the State, most were in one county personally visited by FVAP Director on election day; same counties hoped SERVE would make it easier for voters to access ballots from any computer and increase participation; frustration with academic critique of the readiness of the technology IVAS 2006 would not have provided anything extra to them 	<ul style="list-style-type: none"> VOI was exciting and successful; state-wide implementation in all 46 counties; 50 voter maximum per State so approximately 1 per county; 47 voters used the system successfully; secure server at the State office and one in each county and ballots printed at the county; easy to administer Disappointed that SERVE not implemented; were again to be the only State doing it in all jurisdictions IVAS 2006 was more difficult than what they already do; no recollection of IVAS 2004 	<ul style="list-style-type: none"> No recollection of IVAS 2004 IVAS Tool 2 got mixed reviews: In one case (a small county) it was difficult to set up technically, it was used by only one voter, and administrator felt it cut out interaction with the voter; in the other case, (a larger county), the system was called "sick" and administrator liked the centralized nature because it took the burden off the voter for finding their local election official
<p>Future of and interest in electronic transmission</p>	<ul style="list-style-type: none"> Interest in helping military Emailing blank ballot is feasible Security, especially authentication issues, are big concern in the State Electronic transmission of voted ballots would require significant funding for closed systems in each jurisdiction and more election judges to remake ballots Electronic transmission of voted ballots is unlikely to be enacted by legislature 	<ul style="list-style-type: none"> Aware of technology barriers and concerns but optimistic that either DOD or individual county pilots could test existing methods to overcome these concerns. Belief in alternative methods for overseas voters only, especially for those unable to receive and send mail in time for various reasons 	<ul style="list-style-type: none"> State (SEC) is very enthusiastic and does not see security concerns as insurmountable Legislature is amenable to necessary law changes 	<ul style="list-style-type: none"> Political will to expand electronic transmission exists in Legislature and interest among State and local election officials, but technical capacity would have to increase to accommodate electronic transmission on a larger scale; State is still transitioning into a new registration system and probably needs more time to focus on that before other technical upgrades are undertaken

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