

U.S. Election Assistance Commission

UOCAVA Voters

and the Electronic Transmission
of Voting Materials in Four States

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The U.S. Election Assistance Commission (EAC) is an independent, bipartisan commission created by the Help America Vote Act (HAVA) of 2002 to assist State and local election officials with the administration of Federal elections. The EAC provides assistance by disbursing, administering, and auditing Federal funds for States to implement HAVA requirements; conducting studies and other activities to promote the effective administration of Federal elections; and serving as a source of information regarding election administration.

Section 245 of HAVA requires the EAC to study the challenges of incorporating electronic transmission (ET) technologies (including the Internet) 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 may make the voting process easier for people covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) because they face greater constraints for absentee voting.

In 2006, the EAC commissioned two research studies involving ET of voting materials. One study involved a survey of UOCAVA voters regarding their experiences with electronic voting. The other study resulted in this publication, *UOCAVA Voters and the Electronic Transmission of Voting Materials in Four States*, which examines the experiences of selected States and/or local jurisdictions with Internet voting and with ET of absentee ballots to and from UOCAVA

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voters. Although no States at the time of this study have Internet-based registration or voting systems, many use facsimile (fax) transmission and several use electronic mail (e-mail) for UOCAVA voters.

This report documents election officials' experiences and impressions of the ET process, implementation challenges, recommendations for improvements to the system, and possible methods of replicating the process in other States and/or jurisdictions.

Appendix A shows the degree of ET allowed in the States chosen for inclusion in this research, appendix B displays each State's election administration structure and ballot statistics for 2006, appendix C summarizes the law for the four States, and appendix D lists key implementation findings.

absent uniformed services voter

An active-duty member of the uniformed services (U.S. Air Force, U.S. Army, U.S. Coast Guard, U.S. Marine Corps, and U.S. Navy; the commissioned corps of the U.S. Public Health Service; and the commissioned corps of the National Oceanic and Atmospheric Administration), a member of the U.S. merchant marine, or a spouse or dependent of either of those, who is, by reason of such active duty in the uniformed services or service in the U.S. 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 the Uniformed and Overseas Citizens Absentee Voting Act; they need to be only out of their local voting jurisdiction.

electronic transmission (ET)

The act of faxing or e-mailing a Federal Post Card Application or ballot request by the voter, a blank ballot to the voter, and/or a voted ballot by the voter. Appendix B of the Voting Assistance Guide (published as a book and online by the Federal Voting Assistance Program) provides guidelines for ET.

Federal Post Card Application (FPCA)

Postage-free postcard, printed and distributed by the Federal Voting Assistance Program for use by absentee voters covered by the Uniformed and Overseas Citizens Absentee Voting Act, 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 (FVAP)

An agency within the Department of Defense that administers the Federal responsibilities of the presidential designee under the Uniformed and Overseas Citizen Absentee Voting Act (UOCAVA). The Secretary of Defense is the presidential designee responsible for Federal functions under UOCAVA.

Federal Write-In Absentee Ballot (FWAB)

A "back-up ballot," also known as Standard Form 186 (SF 186) for Uniformed and Overseas Citizens Absentee Voting Act 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 Federal Post Card Application (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). Although a minimum requirement for use of the FWAB exists, about 12 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 on line at the Federal Voting Assistance Program Web site. 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. Several sections of HAVA relate to voters who are covered by the Uniformed and Overseas Absentee Voting Act (UOCAVA) and subsequently amended UOCAVA.

Integrated Voting Alternative Site (IVAS 2006)

The 2006 successor to IVAS 2004 (see next term) that provided two tools for States that voluntarily participated in the program; assisted voters in obtaining ballots and added a new portion of the Federal Voting Assistance Program Web site listing electronic alternatives provided by each State and territory.

- **IVAS 2006 Tool 1**

For participating States and local jurisdictions, previously registered U.S. Department of Defense (DoD)-affiliated voters with access to a secure DoD system completed an automated Federal Post Card Application (FPCA) on line and then e-mailed it directly to their local election official. This automated FPCA showed that it was generated via IVAS and did not require a signature.

- **IVAS 2006 Tool 2**

For participating States and local jurisdictions, previously registered DoD-affiliated voters with access to a secure DoD system completed an automated FPCA on line, which the local election official downloads. This automated FPCA showed that it was generated via IVAS 2006 and did not require a signature. If the FPCA is approved, the local election official then uploaded a portable document format, or 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 2006 system.

Interim Voting Assistance System (IVAS 2004)

A program administered by the Federal Voting Assistance Program that allowed States that voluntarily participated in the program to have previously registered U.S. Department of Defense DoD-affiliated voters request and receive absentee ballots for the 2004 general election over a secure DoD server.

legal voting residence for overseas citizens

Address in the State where the individual resides or last resided before leaving the United States. This term applies to an individual who no longer owns or rents at that address and his or her intent to return is uncertain.

legal voting residence for uniformed services members and families

Address in a State where the individual has met the State's residency requirement, generally where the individual has or has had a physical presence and has an intent to return to make the State his or her home. An individual may have 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. Although 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)

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

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 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 permanently residing outside the United States

A 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 or she domiciled before leaving the United States.

overseas citizen temporarily out of the United States

A 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 voter

A U.S. citizen who is outside the territorial limits of the United States on Election Day. Although this term includes active-duty uniformed service members who are, by reason of active duty, outside the territorial limits of the United States, it typically refers to civilians because uniformed services voters usually are 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 Uniformed and Overseas Citizens Absentee Voting Act voters to write in their choices for candidates 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 define 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 the Uniformed and Overseas Citizens Absentee Voting Act; sometimes also called a "Federal voter," or "Federal elector." For brevity in this report, it may be simply referred to as a "military or overseas voter," with the absence implied.

Voting Assistance Program

A program within each Federal department and agency that has employees covered by the Uniformed and Overseas Citizens Absentee Voting Act that assists those citizens with voting.

voting assistance officers (VAOs)

Individuals in each Federal department and agency with employees covered by the Uniformed and Overseas Citizens Absentee Voting Act who are responsible for providing accurate, nonpartisan voting information and assistance to those citizens attempting to exercise their constitutional right to vote. The Federal Voting Assistance Program provides training to VAOs on line and in person.

Voting Over the Internet (VOI) Pilot Project

A pilot project allowing a small sample of Uniformed and Overseas Citizens Absentee Voting Act voters to register and vote over the Internet using dedicated personal computers during the 2000 general election.

Executive Summary

Throughout this year-long project to study military and overseas voting and the electronic transmission (ET) of voting materials, a few strong patterns emerged that involved jurisdictions chosen for the case studies.

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

Project researchers also encountered huge variations in technical capability from one local jurisdiction to the next based on staff competency and computer systems. Also, voting by ET is limited because military and overseas voters do not always know about their options. Although some election officials promote ET options, the promotion is rarely comprehensive enough to reach all intended voters. Unfortunately, local election agencies have a disincentive to encourage widespread use of ET 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. Local election officials were extremely dismayed at the great number of blank ballots returned as undeliverable, especially from military voters

The four States chosen for these case studies—Florida, Illinois, Montana, and South Carolina—were selected based on variation in region, population size, population characteristics, and the application of laws across local jurisdictions.

who have constant address changes 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. Of particular concern is the discharged military voter who returns home and cannot vote at the polls because he or she has been sent an absentee ballot at the previous military address.

Third, State and local election administrators are concerned with authenticating voters located outside the State or jurisdiction. In general, ET of voting materials must be accompanied by an assurance that voters are “who they say they are,” but the preferred method for achieving that varies. Some officials believe e-mail is the safer way to authenticate who is on the other end of a transmission, because voters need a password to access their e-mail accounts. Conversely, 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 e-mail with absent voters; however, a benefit of both the Department of Defense’s (DoD’s) pilot Integrated Voting Alternative Site 2006 (IVAS 2006) “tools” was that the 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 chosen for these case studies—Florida, Illinois, Montana, and South Carolina—were selected based on variation in region, population size, population characteristics, and the application of laws across local jurisdictions. (See appendix A.) 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 comes from all parts of the United States, no major demographic differences exist between voters in sample States. 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 with local variation in Montana and Illinois, also did not seem to produce different administrative practices. For example, although State law allows counties in Montana to vary in application of ET based on technical capabilities, the same type of administrative variation existed in South Carolina. One factor that made a 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 ET.

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

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, maintaining the privacy of the voter, authenticating the voter and transmitted materials from that voter, and increasing the efficiency and reducing the burden on staff.

General Recommendations

State Laws

- States should allow people with Power of Attorney for an absent voter to apply for that voter's absentee ballot. One State, which now has this law but did not have it during the November 2006 election, tells of the father of a soldier in Iraq who wanted to pick up his son's ballot and send the ballot to him by FedEx. 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, because good ideas often originate at the local level.

State Administration

- States should develop training programs at the State level and invite LEOs to collaborate with the State on optional courses.
- States should provide resources and

infrastructure support for better local computer and fax systems and assist with uniform setup and troubleshooting.

- Local jurisdictions that do ET should communicate best practices to other jurisdictions in the State. If one jurisdiction has some technology (hardware, software, etc.) that is particularly helpful for ET of ballots to UOCAVA voters, the State should encourage the other jurisdictions to adopt that technology.
- Voters should be encouraged to provide e-mail addresses to LEOs, and LEOs should be encouraged to use e-mail to communicate with UOCAVA voters. E-mail is an easy, low-cost, and fast way to communicate. E-mail addresses should be uploaded to the statewide registration database.
- States should encourage and support local offices sending 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 U.S. Postal Service (USPS) line staff are usually not trained on handling UOCAVA mail and are unaware of time issues.
- LEOs should have access to information technology (IT) support in their office or through the county/local government infrastructure. Specifically, local election agencies should be part of the county/local government IT infrastructure so LEOs have server access and support and get the technology they need for ETs.

Education and Outreach

- The Federal Government should educate all local jurisdictions about federally paid postage for official ballot material that is available for UOCAVA voters.

- The Federal Government should establish a nationwide training program and guide on the ET of voting materials. Training should start at the Federal level (Federal Voting Assistance Program, or FVAP) 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. FVAP should bring civilian VAOs into the process by hosting a biyearly conference in the United States with military and civilian VAOs, LEOs, State election administrators, and USPS representatives to discuss UOCAVA voting. These meetings could be forums 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, LEOs could modify a sample outreach letter that is also an address verification letter. LEOs providing information about ET options on their Web sites is not enough.

Specific Recommended Practices for Electronic Transmission of UOCAVA Voting Materials

The following specific practices are those employed or proposed by LEOs who were interviewed in the case study research. Each practice listed also includes the implications for facilitating secure voting and for local election administration. The list is not meant to be comprehensive; rather, it is a compilation of ideas discovered during the research. Some ideas may work only in certain States and/or jurisdictions.

Faxing

Possible actions:

- The voter faxes the FPCA or ballot request to the LEO.

- The LEO faxes the blank ballot to the voter.
- The voter faxes the voted ballot to the LEO.

Recommended practice: The election office has a dedicated, secure 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. This practice ensures security and increases privacy of the FPCA, ballot request, or voted ballot that is faxed from the voter to the LEO. 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 election office has a toll-free fax number for UOCAVA voters.

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

Recommended practice: The election office confirms receipt of fax by a voter or from a voter through a simultaneous phone call or e-mail.

Implications: Fax transmissions are inherently insecure because, at the time of faxing, it is not possible to ascertain who receives, sends, or sees faxes after they are sent. Therefore, the best method of confirmation is to either be on the phone with the receiver or sender while the fax is transmitted or to send an e-mail confirming

the transmission and getting an immediate positive e-mail response to that confirmation.

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

Implications: Offsite (sometimes out-of-State) printers or voting systems vendors typically produce ballots. These printed ballots 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 practice requires that election offices 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: A LEO handling UOCAVA voters provides specialized service to meet technical needs of individual voters so that faxes can be sent or received. For example, one overseas voter was in a town with only one fax machine, which was available only at certain times. The LEO obtained all the necessary information and faxed materials to this number when the voter said she could be there to receive it. Another example of special technical needs is military voters who cannot fax to civilian phone numbers from the secure DoD phone lines in Southeast Asia.

Implications: This kind of specialized service takes extra time and commitment from the LEOs handling UOCAVA voters, but they believe it is worthwhile to make extra efforts to facilitate voting for this population.

Recommended practice: Allow faxed ballots to be hand counted or consider developing technology that can scan ballots received by fax.

Implications: As the 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.

E-Mailing

Possible actions:

- The LEO communicates with the voter via e-mail.
- The voter e-mails the FPCA or ballot request to the LEO.
- The LEO e-mails the blank ballot to the voter.
- The voter e-mails the voted ballot to the LEO.

Recommended practice: The election office solicits e-mail addresses from all UOCAVA voters and maintains a database of those e-addresses regardless of whether the voter requested that his/her blank ballot be e-mailed. At a minimum, the election office should have an e-mail address book for UOCAVA voters and should upload e-mail addresses to the statewide voter registration database.

Implications: E-mail is an inexpensive, rapid way to communicate with UOCAVA voters about their absentee voting process. The LEO can use e-mail to communicate about obtaining the FPCA and blank ballots and to confirm receipt of completed FPCAs, blank ballots, and voted ballots. The LEO can also use e-mails to provide important information about deadlines, transmission methods, upcoming elections, candidates, and initiatives.

E-mail 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 e-mail 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 electronically record the e-mail address from the FPCA, especially if the voter did not request the ballot by e-mail or the State does not allow e-mailing of ballots. In many cases, the only e-mail addresses the LEO has are those captured passively because a voter sends an e-mail to the jurisdiction with an inquiry or a request that a ballot be e-mailed to

him/her. After ballots are sent or received, the LEO typically deletes the e-mails (for privacy) and consequently deletes the e-mail addresses.

E-mail 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 e-mail addresses and requires that information be uploaded for UOCAVA voters, then LEOs will collect e-mail addresses.

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

Implications: A designated contact person for UOCAVA voters can maintain the e-mail address database and be the one to accept and send voting materials by e-mail. The address database can be as simple as a portion of the LEOs e-mail 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 e-mail address. This person may have an e-mail address such as "absentee@localelectionoffice.gov" just for the absentee voters and may have this account accessible by one other staff member to check when that designated person is away from work.

Recommended practice: Have all ballot styles put into a PDF format by local election staff, rather than just by the company responsible for printing the official ballots.

Implications: Offsite (sometimes out-of-State) printers or voting systems vendors typically produce paper ballots. To e-mail 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 election offices to have their ballot layouts in an electronic format (either from the printer/vendor or from what is sent to the printer/

vendor) that can be converted to PDF files for e-mailing. In this way, blank ballots can be e-mailed earlier.

Recommended practice: Implement a computer program that matches each voter to his or her ballot style, automatically creates the ballot to e-mail, and sends the e-mails.

Implications: Hand-matching each UOCAVA voter to his or her ballot style and then e-mailing 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 to free staff to attend to special needs of UOCAVA voters.

Recommended practice: Put into place a process for confirming receipt of an e-mailed blank ballot and responding to bounces and nonresponses. Each e-mailed blank ballot should request a return e-mail acknowledging receipt on the other end. The LEO could then make followup phone calls to those whose e-mails bounced to get a corrected e-mail address before sending the ballot by snail mail. Followup phone calls could also be made to those who did not send an e-mail 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 intended voter received the blank ballot, and the voter can confirm that the LEO sent him or her the appropriate blank ballot. This immediate followup and possible correction can also help prevent missed deadlines.

Recommended practice: Put into place a process for confirming receipt of an e-mailed voted ballot. A designated person at the local election offices should e-mail a confirmation to each voter who e-mailed a voted ballot. This practice allows voters to respond if they did not, in fact, send the ballot. LEOs should follow up bounced e-mails and nonresponses with phone calls.

Implications: A confirmation of receipt for 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 the LEO received his or her ballot and it will be counted. This immediate followup and possible correction can also prevent missed deadlines.

Recommended practice: Allow e-mailed ballots to be hand counted or consider developing technology that can scan ballots received by e-mail.

Implications: As the e-mailing 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 e-mailed ballots might reduce the amount of staff

needed (staff need only count, not duplicate and run ballots through scanner), but it might compromise privacy.

Recommended practice: Use a secure DoD server such as that used in the IVAS 2006 Tool 2 to transmit materials.

Implications: The downside to Tool 2 was that the LEOs did not have direct e-mail contact with the voter. One LEO pointed out, however, that one positive aspect of IVAS 2006 Tool 2 was that the voter did not have to seek out his or her LEO because the server performed the task for them. For this reason, it is probably a good option to have a system such as Tool 2 available to LEOs.

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 FPCA and the sending and receiving of ballot materials by mail, fax, e-mail, or Web site. It also involved 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 in each State. These data were gathered to determine the relative experience States have with processing this voter group. Any variation in requirements between active-duty military and civilian overseas electors and for emergency voting was identified within each State.

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 e-mailing of voted ballots) to least advanced (States that disallowed any ET of voting materials). The information was put into a table for comparison. Montana and South Carolina were chosen because they allow some e-mailing of voted ballots; Florida and Illinois were chosen because they allow some e-mailing or uploading/downloading of blank ballots (see appendix A).

Montana has considered electronic options for some time, and election administrators are aware of the challenges. Since 2003 the State has allowed its counties to send and receive registration forms, ballot requests, blank ballots, and voted ballots by fax and e-mail. In 2006, the State used the IVAS 2006 Tool 2, which allowed registered DoD voters to complete the online FPCA and download a blank ballot—thus demonstrating a willingness to experiment with new possibilities in election administration. Some counties

also participated in the Interim Voting Assistance System 2004 (IVAS 2004) project, which allowed downloading of blank ballots for DoD voters.

South Carolina has a substantial number of military voters and permits all counties to e-mail blank and voted ballots and to fax ballots and registration forms to 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) Pilot Project; some counties also participated in IVAS 2004 in 2004.

Florida allows faxing of the FPCA ballot request, blank ballots, and voted ballots. The State also allows e-mailing of blank ballots to all UOCAVA voters except military voters residing in the United States. This State's selection allowed for exploration into why domestic military are treated differently by State law. Their sizable UOCAVA population (122,194 ballots sent in 2004¹) provides insight into the workload associated with ET of ballots. In 2000, at least one local election official participated in VOI and is currently investigating an Internet voting pilot project.

Illinois had two jurisdictions—the City of Chicago and suburban Cook County—that participated in the IVAS 2006 Tool 1. This practice allowed registered voters who are overseas DoD civilian and contractor employees and who are active-duty military and their dependents to e-mail ballot requests. All UOCAVA voters in these two jurisdictions can receive a blank ballot by e-mail. Illinois also allows faxing of FPCA ballot requests for all military voters and for overseas civilians whose legal residence is Chicago or Cook County. This State was an interesting addition to the sample because 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 that population in Montana but smaller than the one in Florida.

After choosing the four States, researchers selected three to five local jurisdictions within each State to gain greater representation of each State's practices. They chose some local jurisdictions because of their

¹U.S. Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA), Survey Report Findings, March 2006*, http://www.eac.gov/clearinghouse/docs/uocavasurvey-report-final-3-3-06.pdf/attachment_download/file

²U.S. Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA), Survey Report Findings, March 2006*, http://www.eac.gov/clearinghouse/docs/uocavasurvey-report-final-3-3-06.pdf/attachment_download/file

previous participation in DoD's VOI, in the IVAS 2006 program, or because of planned participation in the Secure Electronic Registration and Voting Experiment (SERVE), which was later cancelled. They selected others based on their population of UOCAVA voters. In Illinois, they added one jurisdiction due to the relatively high number of UOCAVA ballots sent and returned. In Florida, they chose one county because of its large military population. In South Carolina, they included the top five counties, in terms of UOCAVA ballots sent in 2006. In Montana, they selected four counties that e-mail and fax voting materials, including two that participated in IVAS 2006.

Data collection

Initial data collection began as the researchers acquired information from each State's legislature, State agency Web sites, and library databases. As they visited the States, the researchers collected additional data and hard copy versions of election codes, regulations, voter outreach materials, and statistics.

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 EAC study and ask for referrals to the staff person best suited to answer

In November 2006, researchers contacted the top election administrator in each jurisdiction to explain the purpose of the EAC 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.

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 most cases researchers traveled to the offices of the sample jurisdictions to conduct interviews and observe day-to-day operations. In two States, researchers were invited to attend meetings of local election officials, where researchers conducted additional interviews and observed officials as they learned about laws and shared information.

CASE STUDY: UOCAVA Voting in Illinois

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

Background

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 past 18 years. During the 1989–90 State legislative 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 was enacted in the 1991–92 session that allows for the faxing of ballot requests for active-duty military personnel.

The Illinois Legislature reacted to the difficulties that arose during the 2000 Presidential election

with a flurry of activity related to voting and voting equipment. In 2003, legislators 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 in committee.

Implementation

Absentee choices and consequences

The State Board of Elections is charged with guiding local jurisdictions to conduct elections uniformly and according to State law and with encouraging local election officials to give special attention to UOCAVA voters. Even so, registration and voting choices can be confusing for voters, and some inconsistency in interpretation and implementation exists among jurisdictions.

UOCAVA is just one of several absentee programs implemented by local jurisdictions in Illinois. Others include a “snow-bird” program (temporary absentee voters who spend the Illinois winter in warmer regions of the country), 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.

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.

In addition to UOCAVA voters, 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 valid for only 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.

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

⁴Census 2000 Summary File 3 (SF3) Sample Data

UOCAVA voters using the FPCA form are mailed ballots for two Federal election cycles. Some jurisdictions send voters ballots for all elections in which they are eligible to vote during that Federal, State, and/or local cycle, while 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 apply with a local jurisdiction’s absentee ballot request form, they will likely receive a ballot for only one election; but staff sometimes move applicants to the FPCA timeline when it is apparent they are serving in the military rather than being on vacation.

Military voters outside their county of residence have additional options, by law, 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. Alternately, 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. No interpretation is provided in the State law about what “electronic transmission” means. Because the law does not explicitly allow or disallow the e-mailing of blank ballots to overseas voters, some jurisdictions do e-mail them 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. This requirement is strictly implemented by all jurisdictions, although 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 election office, UOCAVA voters are usually assigned to a specific staffer, although one who likely handles additional tasks. Due to the somewhat decentralized nature of busy election offices, however, multiple staffers often handle a

No interpretation is provided in the State law about what “electronic transmission” means. Because the law does not explicitly allow or disallow the e-mailing of blank ballots to overseas voters, some jurisdictions do e-mail them to make sure voters get the ballots in time to return them.

regular UOCAVA application, depending on the jurisdiction and the staffers’ assigned job tasks. In all jurisdictions, election staff know to whom 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 DoD FVAP site, particularly the online training modules for 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 of the staffers interviewed told of going 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, because they assume civilians are not constrained by issues such as not having a fax machine available or serving in combat.

All jurisdictions that the researchers visited had e-mail access for staff who handle UOCAVA voters. Most offices maintain a designated fax

machine for registration forms. One office 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 e-mail and virus protection software. It appears that higher level security is not used because no voted ballots are transmitted electronically.

All jurisdictions that the researchers visited attempt to verify addresses (by mail) for absentee voters between elections. This mailed notice reminds voters to change their address (if necessary) so that the ballot will reach them in a timely manner. This verification process also enables LEOs to update nondeliverable addresses in the registration system. When mail is returned as undeliverable, the registration file is updated accordingly and the voter will not be sent a ballot until a new address is obtained. One interviewee has had luck contacting FVAP to track down new addresses of military personnel. Others contact family members when possible and, if an e-mail address is on file, contact voters by e-mail. For UOCAVA voters who do not supply an e-mail 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 Agency (MPSA). Every jurisdiction cited problems with ballots not delivered promptly or being found after an election. Some jurisdictions have raised this issue with FVAP and the MPSA in hopes of obtaining prioritized delivery status for overseas absentee ballots.

According to those interviewed, using the USPS to send voting materials is not necessarily efficient or effective. 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 day-period after an election, especially if it looks like a military voter's ballot.)

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.

Two local jurisdictions participated in a FVAP project for the November 2006 election, which provided even more flexibility in receiving absentee ballot requests.

The use of fax and e-mail, however, has enabled voters from overseas to participate in elections in which they otherwise would have missed deadlines or not have received ballots. Staffers communicate regularly with voters by e-mail to solve problems, verify ballot receipt, or change addresses. E-mail communication is not limited to overseas voters; many local voters also use e-mail to interact with election office staff. Although e-mail addresses from FPCAs are not entered into the local or State registration system, some staffers compile their own files.

Two local jurisdictions participated in an FVAP project for the November 2006 election that provided even more flexibility in receiving absentee ballot requests. Tool 1 of IVAS 2006 was for registered voters whose identity the DoD had authenticated and who had access to a secure DoD server on which they could complete an FPCA to submit to their local election office without a signature.

Both the Chicago and Cook County jurisdictions were pleased with the availability of Tool 1. One reported 25 requests for e-mailed ballots through the IVAS 2006 Tool 1; 15 of those ballots were voted and returned. The LEO in charge of this function commented that Tool 1 allowed 25 more individuals to request ballots than otherwise would have, which represented 18 percent of all e-mailed blank ballot requests. The LEO of the other jurisdiction reported that 90 blank ballots were e-mailed as a result of requests through Tool 1, which was 64 percent of all e-mailed ballots for that election.

Looking forward

Currently, little organized activity deals specifically with overseas voting. Also no legislative or political push exists to change any ET methods or revise other procedures in the overseas voting process.

Legislation to allow ET of voted ballots is probably not forthcoming from the Illinois Legislature because of concerns over security and the State's need to improve its image regarding voting fraud.

Those interviewed do not foresee more relaxed laws on ETs of voting materials—specifically, voting by e-mail or on the Internet—because of its current vulnerability, concerns about viruses, and an inability to verify where votes originated (e.g., who actually voted the ballot). Although most of the people interviewed 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 ET process.

Certainly, election administrators do not have significant funds available that would be 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, e-mailed ballots that are filled out and returned require two election judges to “transfer” the votes from the e-mail ballot to a regular ballot because ballot scanners do not accept regular paper. If more people began e-mailing and/or faxing ballots, more judges would be needed for this time-consuming duplication process. Alternatively, new technological approaches would have to be explored, creating time and resource problems for jurisdictions that already deal with short timelines.

CASE STUDY: UOCAVA Voting in Florida

In the 2000 Census, Florida had a population of nearly 16 million people, with nearly 89 percent living 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

Background

One of Florida's many challenges in the election arena 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. They interviewed five Florida election administrators from three local jurisdictions and four staff members of the Florida Department of State for this study.

Election Reform

After the November 2000 election difficulties in Florida, the State's legislature quickly enacted the Election Reform Act of May 2001. Although the purpose was to end the use of punchcard 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 outcome of the 2000 Presidential election raised concerns that laws surrounding these voters be clarified. Before the 2001 Election Reform Act, statutes required a military or overseas postmark for the ballots arriving within 10 days after the election. In the days following the November 2000 election,

this postmark issue was very controversial; local election officials 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 provisions affecting military and overseas voters in the Election Reform Act are those providing late registration for those discharged from military or overseas employment, a State write-in ballot for overseas voters, e-mail updates with candidate information, and the requirement that the Florida Department of State issue rules allowing ET of ballot requests and voted ballots from overseas voters.

Implementation

A closer look

Florida's Secretary of State (SOS), as the chief election officer, is charged with maintaining uniformity in the interpretation of election laws. 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 SOS and the Florida Department 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 for ballot requests and blank ballots to be e-mailed and faxed and for voted ballots to be faxed; however, the Department has determined that a secure way to e-mail voted ballots does not yet exist.

Another new authority for the Department relates to pilot projects for counties wishing to experiment with

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

⁶Census 2000 Summary File 3 (SF3) Sample Data

electronic ballot transmission. A few Florida counties participated in the VOI project with the 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 SERVE (later cancelled), 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 is supporting this pilot as part of its mandate.

Local election offices differ in organizational structure. Because Florida's SOEs are elected, if an SOE is not re-elected and a new supervisor takes office, the entire staff can change. Coordination among the staff depends partly 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 SOS, and they have a strong communication network among themselves and an active legislative liaison. One SOE, a highly knowledgeable resource 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 according to 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. Their actions include 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 FVAP, seeks out VAOs on nearby bases to offer assistance, and interacts with

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commanding officers to ensure that UOCAVA voters have the technology to participate in the election process. Election administrators in this jurisdiction have worked through 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 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

Several sections of Florida law apply explicitly to "overseas voters," meaning the particular section does not apply to all UOCAVA voters; 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 FPCA, the State's voter registration form, or the National Voter Registration Act (NVRA) form. In at least one jurisdiction, military personnel who are not UOCAVA voters because they physically reside within the jurisdiction frequently use the FPCA. When a local military voter registers for the first time and uses the FPCA,

the SOE asks him or her to replace the form with a Florida registration form and submit a separate absentee ballot application. When a voter submits a form electronically, he or she must also mail the original copy.

An overseas voter who is already registered may request a ballot in person, in writing, over the phone, or by fax or e-mail. In addition, 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. 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 e-mail address, the SOE must e-mail 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. UOCAVA voters, however, do not have to reapply for absentee ballots yearly if they registered through the FPCA because the two Federal election cycle requirement applies to them in that case. Voters can request absentee ballots in person, over the phone, by e-mail, by fax, or in writing. A designated family member can also request an absentee ballot, 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. This mailing also serves as an address verification and update reminder for UOCAVA voters. Many of these mailings are returned because the UOCAVA population is highly mobile. Such mobility is especially true for military voters. In one jurisdiction, about 25 percent of the NOEs came back as undeliverable in 2006, and fewer than 10 percent of the voters who were sent a ballot actually returned a voted ballot.

Many military contractors hire and send civilians overseas. These overseas civilians become UOCAVA voters. When these civilians return to the United States, they become regular voters again. When overseas military voters return to somewhere in the United States other than their

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

voting residence, however, they remain UOCAVA voters. In some election offices, all voters who have any contact with the office are asked whether they are military because they often have different needs than civilian voters have. They may suddenly be deployed and change from local UOCAVA status to overseas status, or they may be located in remote war zones or areas where they cannot be easily reached by regular mail. After the military contractors leave the jurisdiction, they become eligible for use of ET of election materials.

Blank ballots are e-mailed and faxed only to overseas UOCAVA voters who request them but not to UOCAVA voters residing in the continental United States. (For purposes of eligibility to use ET of ballots, residents of Samoa, Guam, the Virgin Islands, and Puerto Rico are not considered overseas voters.) Although regular absentee voters must receive their ballots by “nonforwardable” mail, UOCAVA-qualified ballots are sent by “forwardable” mail. By law, election administrators must send ballots to overseas voters at least 35 days before an election, but, due to a concern 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 be able to receive and send mail only every 2 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 fax but not by e-mail. 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 e-mail is sent upon receipt of the ballot so the voter can respond if he or she 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 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. For ballots received during the 10-day grace period, SOEs count only votes for the Federal races.

Their 2 cents

Since the 2000 Presidential election, Florida's election administrators have felt as if they have been under a magnifying glass and that the media has been scrutinizing everything they do. The 2000 election also gave rise to interest groups that watch over and advocate for or against certain technologies in elections. That community largely ignored Florida's participation in the VOI project in 2000, 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 regarding electronic ballot transmission had 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 are knowledgeable about arguments on all sides of the issue. Most jurisdictions exercise due diligence

... using the Internet and e-mail can bridge time differences between SOEs and distant voters, promote more effective communication and administrative processes, and bring in a new generation of voters.

in securing their systems and keeping them free of viruses. They try to put as much information on line as possible and encourage UOCAVA voters to regularly check the Web site for updates. One SOE explained that using the Internet and e-mail 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 more than 4 million people, with nearly 61 percent living 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 e-mail 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 (SEC).

Background

On the books

For 25 years, the South Carolina Legislature has enacted legislation related to military and overseas voters, but recent laws substantially affect UOCAVA voters.

In 1984, State legislation added the use of Standard Form 76 (SF 76)—otherwise known as the FPCA—to the section of the law on military and overseas voting. Two years later, a law established the special write-in absentee ballot for voters who are remotely located; the law states that this ballot should be used in voting for Federal, statewide, and General Assembly offices.

At about the time of the Gulf War, the State legislature passed a 1992 law that allowed ET of voting materials for voters in the military in an “emergency,” such as a war, conflict, or military mobilization.

Because of a State Senate bill introduced in 1998, the State was able to participate in the 2000 VOI pilot. In 2001, an additional law further supported ET, allowing “other methods of voting by absentee ballot instead of by paper ballot.” In 2003 a bill would have allowed for participation in the SERVE project planned for 2004, but the project was later cancelled.

In 2006, the State legislature proposed two major bills related to military and overseas voters. One sought to allow UOCAVA voters to use State and Federal write-in ballots for all elections (including local), to use Federal write-in ballots for registration, and to receive an e-mail receipt of candidate information. This bill was not enacted, and write-in ballots remain for remote voters only.

The second bill, which was enacted in 2006, removed the emergency military conflict requirement, thus expanding the use of electronic means to all UOCAVA voters at any time, and mandated that an instant runoff ballot be sent to UOCAVA voters with their primary election ballots.

Implementation

At the helm

The 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 NVRA and UOCAVA.

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

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

⁸Census 2000 Summary File 3 (SF3) Sample Data

Successful election administration requires a significant level of collaboration between the board and the commissioners. 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 e-mail ballots, new for all UOCAVA voters 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 the election season. Staff specifically mentioned the amount of e-mail sent to and received from military and overseas voters.

Although a great degree of uniformity exists among the 46 counties, 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. These variations lead to somewhat different interpretations in the implementation of tasks.

Understanding the process

Most of South Carolina's UOCAVA voters are military, while others work for international companies or are independent contractors who send employees overseas to work. Members of this voting group who need help navigating the process typically call the local election administrator. Some interviewees talked about military voters who did not know about the FVAP and the FPCA or did not know a VAO should be on the base. Consequently, busy election administrators not only process registrations

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and ensure that ballots arrive on time, but they must also refer voters to the appropriate Web sites or forms. If that fails, they guide voters through the process themselves, which can be time consuming and difficult during election season.

South Carolina residents must register to vote in person at their county board of registration office or by mail 30 days before an election. Residents who are discharged from the Armed Forces and return home to South Carolina 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 vote absentee for 1 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 in person because of a disability, work, jury duty, etc. Of the 17 reasons listed on the application, most of the ones involving absence from the county of residence are geared toward UOCAVA voters (e.g., active-duty military, U.S. merchant marine, citizen residing outside the country).

South Carolina allows for faxing and e-mailing ballots, both blank and voted, and faxing of registration forms and ballot requests. Blank ballots faxed or e-mailed to voters are sent with a waiver of the right to a secret ballot to be signed by the voter. 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. Election officials reported that an original signature is necessary only for a new registration form, and there is disagreement on whether an electronic signature can be accepted in lieu of the original.

When using the FPCA (SF 76), military or overseas voters have several options. They can use the form 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 covers only one election instead of all elections for the entire year. Opinions among election administrators differ regarding whether State and local elections are covered by the FPCA. Some jurisdictions send ballots for all elections; others wait for the voter's separate request for local ballots. This problem seems to be exacerbated by the availability to voters of more than one version of the FPCA. Older versions of the FPCA, which do not collect all of the same information as the new forms, are still being used in some overseas locations (embassies, voting assistance offices, etc.).

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 absence of party affiliation is problematic for voters because election administrators will not mail ballots for primaries to those people that did not state a party preference. An incomplete or illegible FPCA further increases the workload for election administrators, who must follow up with the voter.

The County Boards of Registration must mail, fax, or e-mail regular ballots and instant runoff voting ballots to UOCAVA voters at least 45 days before a primary election. Traditional mailing presents certain problems. Administrators attempt to verify all UOCAVA voters' addresses between elections, but election mail cannot be forwarded. In some jurisdictions, 75 percent of returned mail came back with corrected addresses, but most of the mail sent was not answered or returned. In addition, local election administrators must work closely with local

When using the FPCA (SF 76), military or overseas voters have several options. They can use the form 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.

postal authorities, because USPS employees do not always know 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 special envelope imprinted with a special oath, which must be signed and witnessed. This witness requirement is waived for UOCAVA voters faxing or e-mailing their voted ballots. When voted ballots are returned via fax or e-mail, they are duplicated in the election office so that they can be scanned with other ballots.

What happened in 2006?

Transmitting voted ballots by e-mail is in the early implementation phase in South Carolina because 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 believe it can be improved. Although the possibility for e-mail voting was not frequently used at the time of this report, it is generally appreciated by election administrators. It is likely that for e-mail voting to be implemented effectively and uniformly, it would have to be promoted on the State level through a combination of trainings on procedures and technology.

Implementation of 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 the jurisdiction to set up a fax machine for faxing ballots because their phone plan did not allow for overseas calls, and they had not figured out a process for e-mailing ballots. With no office or county resource to provide training or assistance, election staff members believed they had to rely on themselves. Local election staff “might” have attended the State workshop on instant runoff voting ballots and e-mailing 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. In one jurisdiction, when voters request e-mail ballots, they are offered a faxed ballot instead. In contrast, e-mailing 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, little evidence indicates 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 election office.

Transmitting voted ballots by e-mail is in the early implementation phase in South Carolina because the two major elections in 2006 were the first opportunities to take advantage of the new law.

Local offices do have online access to the statewide 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. Although 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 ET, but it is not widely used because election offices do not yet know how to implement it and voters do not know about it. For e-mail voting to be implemented effectively, it would likely have to be promoted on the State level to ensure appropriate training.

CASE STUDY: UOCAVA Voting in Montana

In 2000, Montana had a population of more than 900,000 people, with nearly 54 percent living 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

Background

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. Researchers conducted interviews with nine Montana election administrators from four jurisdictions and the State Election Director for this study; in addition, researchers had informal conversations with approximately 10 additional election administrators. Researchers also attended a meeting in which 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 for the 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.

The 2003 Montana Legislature passed the Montana Absent Uniformed Services and Overseas Elector Voting Act, primarily to implement Federal UOCAVA and Help America Vote Act (HAVA) laws. The SOS was made the designated source of information regarding UOCAVA voting. The act also allows for domestic military voters to use the FWAB to take advantage of the ET of ballots, if available, and to register to vote at the polls late if they return home. It also requires the SOS to adopt regulations to implement provisions for electronic voting contained in the act. The SOS 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, including that UOCAVA voters must be notified of their registration using the fastest transmission method available. In 2007, State legislation affecting UOCAVA voters expanded use of the FWAB to State and local offices.

Implementation

From the top down

The office of the Montana SOS is responsible for interpreting State election laws and implementing them uniformly, and the office’s Elections and Government Services Division administers 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 e-mail, and the Elections Division conducts biyearly 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 a good practice

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

¹⁰Census 2000 Summary File 3 (SF3) Sample Data

because UOCAVA voters are subject to separate processes, which are more efficiently conducted by one person. It is also easier to preserve voter privacy when the voter has one contact point. Understandably, though, smaller jurisdictions often have fewer staff who must handle multiple tasks. In larger offices with more UOCAVA voters, two people sometimes share the responsibilities.

The SOS's Web site provides access to laws and interpretations, and election administrators are largely self taught, using resources from the FVAP and communicating with colleagues. Montana's local election officials 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 information technology infrastructure in terms of server access and technical support. In some jurisdictions, voter registration rolls were still kept on ledgers until HAVA required interactive databases, and some offices do not have fax machines.

Voting process: start to finish

Regular close of registration is 30 days before Election Day. In 2006, Montana began allowing "late registration" up until the polls close for those who vote in person at the county clerk's office. 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 just like any other registered voter 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. Voters must sign and return the confirmation form or risk being taken off the permanent absentee ballot list.

Interviewees recalled situations in which parents or relatives of UOCAVA voters came into the election office 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 change an address, pick up a ballot, or apply for an absentee ballot.

Military and overseas voters in Montana who wish to vote absentee can register—by mail, fax, or e-mail, if the county is so equipped—using the State registration form, the FPCA, or the FWAB transmission envelope. UOCAVA voters often use the State's absentee ballot application rather than the FPCA, especially if they were registered in Montana before their move overseas. Use of the State form is probably common because the State has permanent, no-excuse absentee voting. A return notice of registration can be sent by fax or e-mail.

When UOCAVA voters do not specifically request e-mail or fax ballots, a regular absentee ballot is sent to their last known address. In one jurisdiction, however, 90 percent of those ballots were returned as undeliverable in 2006. When the clerks have time and a forwarding address, they 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 recalled situations in which parents or relatives of UOCAVA voters came into the election office 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

change an address, pick up a ballot, or apply for an absentee ballot.

A variety of processes are in effect when creating e-mail ballots. In one county, the vendor for the central scan technology creates the ballot layouts and sends PDF files to the clerk, who then e-mails them to UOCAVA voters who have requested them. Another county creates a PDF ballot that is e-mailed to the voter, who then completes the ballot on line and returns it by e-mail without a scanner and printer. In a third jurisdiction, the clerk scans ballots, names them by precinct, saves them as PDF files, and e-mails them. A fourth jurisdiction creates ballots in Microsoft Word format and e-mails those. Blank ballots can be faxed or e-mailed to voters—again, if the county has the capacity to do it.

When a UOCAVA voter who is mailed an absentee ballot appears at a polling place, the absentee ballot is voided in the State's voter registration database and is 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 e-mail their voted ballots if their county receives them in this manner. All e-mail 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 e-mail 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 e-mail transmissions because e-mails 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 e-mailing ballots better than faxing them because she feels more certain about who is on the other end. If a voted ballot is transmitted by e-mail, the signature requirement on the privacy waiver is

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

ignored because the clerk knows where the e-mail came from.

As in other States, electronically transmitted ballots must be duplicated to be counted. But even mail ballots from UOCAVA voters often arrive torn, folded, or wrinkled. Because they can't be scanned, they must be duplicated. After the duplication is completed 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 procedures that individual offices have implemented and indicates how technologically advanced the respective jurisdictions are.

In one office, voting conducted entirely by e-mail would typically be handled as follows:

1. The clerk receives the original request for an e-mail ballot.
2. The clerk e-mails back and notifies voters that they will have to waive their right to privacy.
3. The voters e-mail back and acknowledge that they would like to continue the process.
4. The clerk e-mails instructions, forms, and the ballot to the voter.
5. The voter e-mails the ballot with the privacy waiver.
6. The clerk e-mails the voter an acknowledgment that the ballot was received.
7. The clerk then duplicates, validates, and counts the ballot.

Room for improvement

As the number of UOCAVA voters increases, 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, because very few of them seem to use the FVAP Web site and few, if any, have contact with a VAO. In fact, many voters learn about fax and e-mail options from local election administrators because the SOS's Web site mentions only that some counties allow for faxing; it makes no mention of the e-mail option.

Most election administrators interviewed favored the expansion of ET, especially e-mail balloting, to more voters in small counties. Larger counties would need a considerably expanded infrastructure to handle more e-mailed and faxed ballots, so any new policy must consider population and density along with resource allocations. Most said that e-mail ballots were their preferred option: "E-mailed ballots are less messy than faxed ballots." One official said, "E-mail 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 IVAS 2006 program. After time-consuming setup problems,

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

election administrators liked the program but still had reservations. Without direct communication with the voter, they cannot follow up if problems arise, and they were uneasy about "taking the word of the 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 "e-mail without a middle man," according to election administrators, who want more control over a process for which they bear the ultimate responsibility. The IVAS-type systems, which use a remote server, did not allow for that kind of control.

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Appendix A: Key Criteria for Inclusion in Case Study

ET Electronic Transmission	Case Study Site	Electronic Transmission (ET) Options		Number of UOCAVA Voters 2004	Region of USA	Other	Within Case Analysis ¹¹	Cross-Case Analysis ¹¹
E-mail voted ballots and also allow faxing	Montana	E-mail	Fax	<ul style="list-style-type: none"> 4,721 ballots sent 3,490 ballots returned 	Northwest	<ul style="list-style-type: none"> Allowed some e-mailing 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 e-mail vs. fax experience with voted ballots, and e-mail 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 e-mailing voted ballot State (South Carolina)
	South Carolina	<ul style="list-style-type: none"> E-mail voted ballots in select counties E-mail blank ballots in all counties IVAS Tool 2 (upload blank ballot for DOD-affiliated voters) in 2 counties E-mail 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"> 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 e-mail vs. fax experience with voted ballots, and e-mail vs. fax experience with blank ballots Investigate experience with VOI in 2000 	<ul style="list-style-type: none"> Regional contrast with other e-mailing voted ballot State (Montana)
E-mail of blank ballots and also allow faxing	Florida	<ul style="list-style-type: none"> E-mail 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 Hollar 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 e-mail vs. fax experience of blank ballots Investigate experience with VOI 2000 	<ul style="list-style-type: none"> Regional and size contrast with other e-mailing blank ballot State (Illinois) Compare to other States without telephone alternative
	Illinois	<ul style="list-style-type: none"> IVAS Tool 1 (e-mail ballot request for DOD-affiliated voters) in Chicago and Cook County E-mail 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 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 e-mail vs. fax experience for FPCA ballot request 	<ul style="list-style-type: none"> Regional and size contrast with other e-mailing blank ballot State (Florida) Moderate size UOCAVA population compared to other States

¹¹With the choice of these four States as "cases," variation can be examined both within each case (or State), and across each case (or State) while other characteristics are constant. For example, within a State (a case) the laws are constant and the experience with practices (such as e-mail and faxing of ballots) can be compared. An example of cross-case analysis is that Montana and South Carolina have similar laws but vary in region of the country and population size, so differences in their practices might be affected by those two factors.

Appendix B: Election Administration and Statistics for Case Study States

	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 State Election Commission	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)
Number of registered voters in 2006¹²	7,375,688	10,433,849	2,452,714	538,374
Total ballots cast November 2006¹³	3,587,676	4,386,339	1,103,933	414,594
Absentee ballots cast in 2006 (including UOCAVA)¹³	71,665	750,762	76,132	121,303
Best estimate of UOCAVA ballots cast in 2006¹³	6534	27,469	1686	1121
UOCAVA voters in each jurisdiction in 2006¹³	From 1 to 1597	From 2 to 3443	From 0 to 222	From 0 to 229

¹²As reported on the State's election agency website

¹³Estimates based on documents and data collected from interviews with State and local election officials

	Illinois	Florida	South Carolina	Montana
Language in State statute about electronic transmission of voting materials	<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.</p> <p>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.</p> <p>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>"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>"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>"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>
Population to which electronic transmission applies	Active duty members of Armed Forces.	Overseas UOCAVA eligible voters.	UOCAVA eligible voters.	UOCAVA eligible voters.
Close of registration books	28 days; postmarked 28 th day accepted.	29 days; postmarked 29 th day accepted.	30 days; postmarked 30 th day is accepted.	30 days; postmarked 30 th day and received in 3 days accepted.

Appendix C: Laws in Effect During the 2006 General Election Regarding Registration, Absentee Voting and UOCAVA Voting

	Illinois	Florida	South Carolina	Montana
Late registration for UOCAVA or former UOCAVA returned to home voting jurisdiction	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.	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.	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.	UOCAVA voters who returned home within 30 days can register up to noon the day before the election.
Registration for UOCAVA – form and time	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.	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.	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.	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.
Electronic options for registration	The FPCA can be faxed, but an original signature is needed, so the hard copy must follow at the latest with the voted ballot.	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. ¹⁴	The FPCA can be faxed, but an original signature is needed, so the hard copy must follow.	All registration forms from UOCAVA voters can be faxed or e-mailed and do not require an original signature or hard copy to follow. A scanned signature is sufficient.
Absentee ballot requests - applies to all voters	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.	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.	Need one of 17 given reasons un able to go to polls. Reasons printed on State absentee ballot request form.	Do not need reason.

¹⁴Once registered, the overseas voters can fax or e-mail the FPCA for a ballot request.

Appendix C: Laws in Effect During the 2006 General Election Regarding Registration, Absentee Voting and UOCAVA Voting

	Illinois	Florida	South Carolina	Montana
Does State have permanent Regular Absentee Voters?	No. Absentee ballot application/request good for one election. ¹⁵	No. One application good for calendar year.	No. State absentee ballot application/request good for one election.	Yes. Can request absentee ballots to be sent for all elections or just for Federal elections.
UOCAVA ballot request	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 10 th 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.	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.	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.	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. ¹⁶ 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 30 th day before election. ¹⁷ Requests by UOCAVA voters are good for the next two Federal elections but only for the State and local elections during the calendar year.

¹⁵UOCAVA voter's absentee ballot application is good for every election in the calendar year; the FPCA is good for two Federal election cycles.

¹⁶During 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.

¹⁷Legislation 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.

	Illinois	Florida	South Carolina	Montana
Electronic options for ballot request	Active duty military can send ballot request by fax.	If already registered, overseas voters (not military in the US) can send either regular State ballot request or FPCA by fax or e-mail.	FPCA can be faxed, but must be followed with the original sent in the regular mail.	All requests from UOCAVA voters can be faxed or e-mailed and do not require an original signature or hard copy to follow. A scanned signature is sufficient.
Mailing of blank ballot to UOCAVA – method and deadline	45 days before a primary and 60 days before a general election.	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 e-mail address in their absentee ballot request, supervisor of elections office must e-mail a list of candidates at least 30 days before each primary and general election.	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.)	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.
Electronic options for sending blank ballot	No electronic options.	Overseas voter can request that their blank ballots be e-mailed or faxed to them.	UOCAVA voters can request that their blank ballots be e-mailed or faxed to them.	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.
Offices on ballot	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.	Law does not limit the offices for which any type of UOCAVA voter can vote.	Non-resident civilians living indefinitely overseas vote on Federal offices only. All other UOCAVA voters can vote on local, State, and Federal offices.	Law does not limit the offices for which any type of UOCAVA voter can vote.

<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 e-mail 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 e-mail in some counties. The waiver of the right to a secret ballot must be attached to the fax or e-mail, but it does not need to be signed in the case of e-mail.</p>

	Illinois	Florida	South Carolina	Montana
<p>Election officials' perspective on UOCAVA voting (based on interviews conducted by the case study researchers)</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; concerned about the 2 cycle requirement, mailing to bad addresses, and then voters returning home and not being able to vote at polls Local enthusiasm about helping military especially, but focused more on maintaining addresses and getting voters to send necessary information than electronic transmission 	<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 e-mail and e-mailed 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 e-mail; approximately 5-8% of blank ballots sent to those UOCAVA voters eligible for e-mailed blank ballots, were sent by e-mail .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 e-mail 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 e-mailed or faxed

46 Appendix D: Key Implementation Findings

	Illinois	Florida	South Carolina	Montana
Difference between electronic transmission methods	<ul style="list-style-type: none"> For voter, e-mail 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 e-mail message takes longer than getting FPCA through e-mail For two jurisdictions that e-mail and fax blank ballot, e-mail seems more common because requested more often 	<ul style="list-style-type: none"> Difference between e-mail and fax of blank ballot for voter depends on resources available to them; groups within military vary in access to e-mail, printers, and fax machines 	<ul style="list-style-type: none"> Difference between e-mail and fax of blank ballot: faxing is comparatively easy and the default, if requested e-mail, is not possible Difference between e-mail and fax of voted ballot: still too little to know. Ballot must be duplicated in either case to run through scanner used statewide for all absentee ballots 	<ul style="list-style-type: none"> Difference between e-mail and fax of blank ballot: e-mail is easier to do, easier to know who's on other end, and doesn't require a signature; local election officials prefer e-mail Difference between e-mail and fax of voted ballot: must waive privacy with either, but with e-mail, 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 e-mailed or faxed
Variation across local jurisdictions	<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"> 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 e-mails the ballots did not receive the ballot layout from the elections staff (who produce the ballots) so the blank ballots were not e-mailed to any UOCAVA voters Variation in how to maintain lists of UOCAVA voters, specifically keeping e-mails, 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"> Variation in electronic transmission based on population and number of requests (largest county in sample faxed, e-mailed, 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 receive e-mailed 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 e-mail)

	Illinois	Florida	South Carolina	Montana
Improvements needed (in no particular order)	<ul style="list-style-type: none"> • Outreach to voters on FPCA submission alternatives • Use e-mail to communicate with more UOCAVA voters • Encourage local jurisdictions to have electronic database of e-mail addresses for all UOCAVA voters (not just those that ask for e-mailed ballot) 	<ul style="list-style-type: none"> • Outreach to voters on ballot receipt and submission alternatives • Obtain more e-mail addresses and use e-mail to communicate with more UOCAVA voters 	<ul style="list-style-type: none"> • Outreach to voters on ballot receipt and submission alternatives • Obtain more e-mail addresses and use e-mail to communicate with more UOCAVA voters • Encourage local jurisdictions to have electronic database of e-mail addresses for all UOCAVA voters (not just those that ask for e-mailed 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
Issues with expanding ET	<ul style="list-style-type: none"> • Would need more staff and/or computer program to e-mail blank ballots to all UOCAVA 	<ul style="list-style-type: none"> • Would need more staff and/or computer program to e-mail 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 Voting Over the Internet (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

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	Illinois	Florida	South Carolina	Montana
<p>Past electronic transmission 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; statewide 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 E-mailing 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 Election Commission (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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