

STATEMENT OF  
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BEFORE THE  
HOUSE ARMED SERVICES COMMITTEE  
MILITARY PERSONNEL SUBCOMIITEE

ON  
MILITARY VOTING

ON  
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## **Executive Summary**

The Federal Voting Assistance Program (FVAP) has met, and in many ways surpassed, the requirements for implementation of the Military and Overseas Voter Empowerment Act (MOVE Act). With preliminary trend analysis available for the first time with FVAP's 2010 post-election survey data of active duty military voters, military voting registration and military voter participation both show sustained rates greater than that of the general electorate. Final analysis is underway comparing all of the Department's post-election survey results, and making the proper statistical adjustments.

Since enactment of the Military and Overseas Voter Empowerment Act (MOVE Act), the Department has moved aggressively to improve, simplify, and make the military absentee voting process more accessible, through innovative technological tools and vigorous voter education and outreach. Further implementation of the changes to the Uniformed and Overseas Citizens Absentee Voting Act as mandated by the MOVE Act, as well as more time for those changes to become the norm in military and overseas voting administration, will help focus limited federal, State and local resources on the primary problem faced by military voters – receiving their ballot in enough time to vote and return it in time to be counted.

Conclusive results on the effects of the Military and Overseas Voter Empowerment Act (MOVE Act) are premature given the ongoing work with the remainder of the post-election surveys and Election Assistance Commission data collection, and given 2010 was the first election for which MOVE Act requirements were in effect. However, given the continued use of the sound statistical methodology used in the Department's 2006, 2008, and 2010 post-election surveys, the Department's ability to track voter success and identify key areas of failure should improve.

## **1. Introduction**

Mr. Chairman, Representative Davis, and members of the Committee, thank you for this opportunity to testify on military voting and the Department of Defense's military voting assistance programs. Military voters face unique challenges in exercising their right to participate in our election process. The Federal Voting Assistance Program (FVAP) continues to identify individual and systemic barriers to voting faced by these services members, and works to assist both military and overseas voters, and State and local officials, in removing these obstacles.

FVAP supports both uniformed services voters and overseas citizens with voting assistance and advocacy. I will focus my remarks today to the uniformed services voter assistance programs, even though many of these programs are available universally to all military and overseas voters. Further, I will review FVAP's implementation of the Military and Overseas Voter Empowerment (MOVE) Act, including preliminary post-2010 election statistics showing possible effects of the MOVE Act on military voting.

## **2. Background**

The *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* safeguards the right to vote for federal offices by absent uniformed services members and their families, and overseas U. S. citizens. In the administration of the law, the Department of Defense works cooperatively with State and local election officials to carry out its provisions.

Traditionally absentee voting is accomplished by mail via the United States Postal Service (USPS), Military Postal Service Agency (MPSA), and foreign postal systems. However, modern information technologies provide various methods to streamline this process to better support absentee voters.

## **3. FVAP Goals and Pre-2010 Election Planning**

In 2009 FVAP used key findings from the 2008 Post-Election Survey Report to develop strategic goals and lines of operation to more effectively support military voting assistance. Table 1 draws from the 2008 Survey Report (available, on the FVAP.gov website<sup>1</sup>), and demonstrates that while military voters experienced failures at every stage of the voting process, the most significant problem is the successful return of transmitted ballots. Furthermore, available 2008 post-election data from both the Military Postal System Agency (MPSA) and the Election Assistance Commission 2008 Election Day Survey indicated undeliverable ballots were a relatively minor problem, with only 2.5% to 3.5% of the transmitted ballots returned as undeliverable. Similarly, while MPSA indicated that about nine percent of the ballots sent to overseas military personnel were misaddressed, it was able to properly readdress about two-thirds of those.

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<sup>1</sup> <http://www.fvap.gov/reference/pesurveyrpts.html>

**Table 1**

2008 Election		
Stage of voting process	# of additional failures over general population	% of total failure
Registration Failure	4,057	1.5%
Ballot Delivery	20,068	7.5%
<b>Ballot Return</b>	<b>206,771</b>	<b>77.6%</b>
Ballot Casting Failure	35,645	13.4%
Total	266,540	

FVAP also found in its 2008 post-election survey that voter registration and voter participation were not apparent areas of voting failure. For the 2008 general election, the military voter registration rate was 77%, compared to 71% for the general electorate. Additionally, while 64% of the general electorate participated in the 2008 general election, 53% of the military participated.

On the face of it, this lower voter participation rate would appear to indicate a failure of the voting assistance process. It should be noted, however, that the military population is much younger than the general electorate (Civilian Voting Age Population, or CVAP), and older voters are much more likely to vote.

Similarly, while the 2008 general electorate was 48% male and 52% female, the active duty military population was 85% male and 15% female, again where females have higher historical voter participation rates than males. Therefore, when proper statistical adjustments are made for those significant age and gender differences, the active duty military voter participation rate is actually 73%, fifteen percent higher than the general electorate's.

Given these trends, FVAP shifted away from focusing on voter registration and the distribution of paper-based forms through unit Voting Assistance Officers, to providing direct-to-the-voter assistance, predominantly through online tools, relieving much of the burden on the collateral duty Voting Assistance Officer.

To support that transformation, FVAP established five straightforward and enduring strategic goals:<sup>2</sup>

- #1: Improve UOCAVA voter success rates to meet or exceed the general absentee population's voter success rates.
- #2: Ensure all UOCAVA voters have adequate opportunity to successfully cast a ballot in every State and Territory.
- #3: Quantify the overseas civilian population.
- #4: Streamline the UOCAVA voting process, so that no stage of the process takes a voter more than 15 minutes to complete.
- #5: Be a model agency of professional execution.

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<sup>2</sup> FVAP's entire Strategic Plan, can be found at [http://www.fvap.gov/resources/media/strategic\\_plan.pdf](http://www.fvap.gov/resources/media/strategic_plan.pdf)

#### **4. 2010 Election Voting Assistance Program and MOVE Act Implementation**

The MOVE Act provided considerable leverage for the new FVAP approach to voting assistance, especially with its focus on expanded electronic voting support for military and overseas voters. It also provided the Department the authority necessary to implement many of these information technology improvements. In particular, the Department focused on five main initiatives to improve military voting assistance for the 2010 election:

- Expand the use and availability of electronic systems in support of military voting;
- Help State and local election officials to more broadly implement the MOVE Act's 45-day prior ballot delivery requirement, more effectively use technology (especially to deliver blank ballots), expand the use of the Federal Write-In Absentee Ballot, and provide general compliance assistance;
- Support the Services in establishing the Installation Voter Assistance Office program and training installation Voting Assistance Officers;
- Expand and improve unit Voting Assistance Officer training; and
- Execute a broad and effective voter education and outreach program.

##### **4.1 FVAP.gov Portal**

The MOVE Act requires States to provide electronic access to both voter registration/absentee ballot application forms and to blank absentee ballots. FVAP has moved forward to help States develop those capabilities, as well as to develop capabilities directly through the FVAP.gov website, on the presumption that any system a State develops itself, but which fully supports the military voter, will be superior to any product FVAP would produce itself. Therefore, FVAP shifted its online presence and website from a simple voting assistance service provider to a portal connecting voters quickly, easily, and seamlessly with their State and local election officials' military voting systems. If a State or local election jurisdiction has its own electronic military voting support systems, per the FVAP philosophy, the voter is presented the State/local system first.

##### **4.2 Online Registration and Absentee Ballot Application Wizard**

Completing the Federal Post Card Application (FPCA) can be complex and tedious; the variations amongst State and local laws and rules for military voters are extensive, and the Voting Assistance Guide FVAP compiles for every election is more than 300 pages long. Therefore, FVAP deployed an online FPCA "wizard" in June 2010, fully integrated with the FVAP.gov portal, to walk the voter through the FPCA form, asking a series of simple, State-specific questions.

Once the voter completes the online questionnaire, they print a PDF package which includes complete State and local submission instructions. They must then sign and mail in the paperwork.

This online wizard enjoyed substantial use by military voters, with 91,452 FPCAs downloaded during the 2010 election cycle.

### **4.3 Online Back-up Federal Write-in Absentee Ballot Wizard**

With the online FPCA Wizard, FVAP also deployed an online Federal Write-in Absentee Ballot (FWAB) wizard. The FWAB is the military and overseas voters' emergency ballot to be used if they've made timely application for an absentee ballot, but have not yet received one. The MOVE Act requires the Department to deploy something like a system with the capabilities of the FWAB Wizard by December 31, 2011. Not only does the FWAB Wizard have greater functionality than required by the MOVE Act, but it was delivered 17 months early, in July 2010.

The wizard presents a voter all federal candidates for the general election. It also provides them, per the requirements of UOCAVA, the opportunity to write-in a candidate or to choose a candidate by political party affiliation alone.

Given the voters online choices, the FWAB is populated, with the voter's chosen candidates properly printed on the FWAB for the voter to confirm, print, sign and send back to their election official. Like the FPCA Wizard, complete State instructions are provided to the voter, along with pre-addressed and prepaid transmission and security envelopes. Also, both the FPCA and FWAB Wizards provide the voter email addresses, fax numbers, and transmission cover sheets for those State or local jurisdictions that allow for electronic return of these forms.

The FWAB wizard enjoyed significant use, with more than 20,000 FWABs downloaded during the 2010 election cycle.

### **4.4 Online Ballot Delivery and Online Ballot Marking Wizards**

Although FVAP strongly encouraged military voters to use the FWAB if they had not received their regular State-issued absentee ballot, the use of the FWAB means the voter can only choose federal candidates in most States.

Therefore, FVAP also embarked on a first-ever State support program to deploy systems that would allow voters to access precinct-level ballots online, and in most cases, mark the ballot online like the FWAB Wizard, but for all elections. Throughout this process, each State maintained control over all election administration procedures. This approach reinforced FVAP's effort to buttress state and local election official activities, not replace them.

A total of 20 states initially participated in this effort, with seventeen states going "live" for the 2010 election. In addition, 14 additional States deployed their own online ballot delivery and marking systems for military voters. The FVAP.gov portal steered military and overseas voters to the State online ballot delivery and marking wizards, regardless of whether they were funded by FVAP or not.

FVAP believes that both email "push" of electronic absentee ballots, as well as online download "pull" is necessary for military personnel to have adequate opportunity to receive their ballots online. FVAP encourages all States to provide at least both methods of electronic ballot delivery, and will continue to work with them to develop such systems.

## 4.5 Expedited Mail Return

It does the military voter little good to receive a ballot electronically if the voted ballot still arrives to the Local Election Official too late to be counted. FVAP worked very closely with the Military Postal System Agency (MPSA) and the US Postal Service to ensure this program's success, and provided \$550,000 in funds to help MPSA buy bar-code scanners to provide online ballot tracking for MPSA and the voter. FVAP also made voters aware of this service through print and electronic advertisements, and internal communications via the Services and MPSA.

MPSA executed an aggressive Express Mail campaign to achieve the mandated seven-day return delivery, only having to use its delivery standard: the average ballot return transit time was 5.2 days, with 92% of the ballots delivered within seven days. For U.S. Navy ships at sea, historically units that suffered particularly long mail delivery times, the average ballot return time was eight days.

FVAP also assisted MPSA to accurately define the requirements of the MOVE Act and advised MPSA on how to avoid more than \$2.5 million in annual postage costs. Finally, FVAP assisted MPSA to analyze the impact of different expedited ballot delivery scenarios on voters and develop possible responses of the UOCAVA voter advocacy groups on the various implementation options.

During the 2008 election campaign, misaddressed and undeliverable ballots were a relatively small problem, with 17,457 of the 191,293 absentee ballots (9.1%) sent through the MPSA to voters incorrectly addressed. Of that nine percent, two-thirds, or 10,621 were readdressed and delivered by MPSA, leaving 3.6% (or 6,836 ballots) undeliverable.

However, during the 2010 general election cycle, 33,130 of the 68,977 absentee ballots (48%) sent through MPSA were incorrectly addressed. Twenty nine percent of the overall ballots (or 20,065, a little over half of the misaddressed ballots), were readdressed and delivered by MPSA, leaving 19%, or 13,065, undeliverable. Given MPSA only delivers mail for overseas military personnel and that only about 25% of military personnel are overseas at any one time, this misaddressed and undeliverable ballot is cause for concern.

What is known is that between those two elections, there were at least 23,000 fewer Guardsmen and Reservists on active duty.<sup>3</sup> When Guardsmen and Reservists leave active duty and return to inactive duty, they are no longer eligible for the absentee voting protections of UOCAVA, but their Federal Post Card Applications may still linger in States' voter registration databases, driving election officials to continue to send these personnel absentee ballots

Further, while there has been a net reduction of only about 11,000 US military personnel overseas between 2008 and 2010, there have been substantial movements to and from both Iraq and Afghanistan. Given that deployed Army and Air Force units are assigned new Army Post

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<sup>3</sup> As of November 2, 2010, there were 97,002 Reservists and Guardsmen on federal active duty (Assistant Secretary of Defense (Public Affairs) News Release No. 1013-10). As of November 4, 2008, there were 120,310 Reservists and Guardsmen on federal active duty (Assistant Secretary of Defense (Public Affairs) News Release No. 933-08).

Office (APO) addresses both on deploying to and redeploying from overseas, such force movements may exacerbate the misaddressed ballot issue experienced in the 2010 election.

FVAP will cross-evaluate this data with the Active Duty Military post-election survey data, and with both the FVAP Local Election Official Post-Election survey data and the Election Assistance Commission's Election Day Survey data to see if the cause of this spike in undeliverable ballots can be explained. Combining that with more in-depth analysis of the active duty military survey micro-data may provide sufficient insights to determine the location and cause of these misaddressed and undeliverable ballots and help determine if this is a localized issue, a Service-specific issue, or something more generally applicable to military voters.

#### **4.6 Outreach for Absent Uniformed Services Voters on Procedures**

All of these voter assistance systems are of little use if the voter is not aware of them. For example, the 2008 Active Duty Military post-election survey indicated that only 21% of military personnel visited the FVAP.gov website, and of those who did not visit it, 63% did not visit it either because they did not know about it, or they knew about it but did not know the website address. Similarly, only three percent of the military used FVAP's toll-free help desk number during the 2008 election.

To make military voters and their voting age dependents aware of the services available to them through FVAP.gov, and through their unit and installation Voting Assistance Officers, FVAP engaged the Department's Joint Advertising and Market Research Studies (JAMRS) program to address requirements of the MOVE Act and develop a comprehensive voting assistance communications and "marketing" plan. The goal was to expand outreach to voters, improve brand recognition of FVAP.gov, drive users to online tools, and raise overall awareness of key milestones and dates for voters to meet in order to successfully cast a ballot. Only by bringing more UOCAVA voters to the FVAP website portal can it provide a more direct-to-the-voter assistance program.

FVAP uses a variety of communications and social media (Facebook, Twitter and LinkedIn) to inform military voters about upcoming elections and the procedures for registering and requesting an absentee ballot through commercial print and broadcast media outlets. This campaign was partially driven by the 2008 post-election survey data indicating 18-24 year old military voters had particular trouble voting and receiving voting assistance information. Stories and advertisements on absentee voting were run on the American Forces Radio and Television Service, the American Forces Network, the Pentagon Channel, American Forces Information Service, and Defense Link, as well as in private and military-focused print publications such as *Stars and Stripes*, *Army/Navy/Air Force Times*, the *International Herald Tribune* and other overseas publications.

Finally, FVAP is using the 2010 post-election survey to analyze user trends to determine why voters are not aware of, and do not use available voting assistance resources, understand what they find difficult with the current voting assistance process, and identify what they most want in their voting assistance programs. From that analysis, FVAP will develop additional communications and awareness campaigns for the 2012 election cycle.



#### **4.7 Voting Assistance Officer and Voter Training and Education**

FVAP devotes considerable resources to training Voting Assistance Officers (VAO) and educating *UOCAVA* citizens about the process of absentee voting. This includes formal training of unit Voting Assistance Officers, providing information to state and local election officials, and ensuring that military voters have access to the necessary materials and the means to request and submit their absentee ballots. To prepare for the 2010 election, FVAP conducted unit Voting Assistance Officer training workshops at military installations around the world.

In addition to the in-person training, the FVAP.gov information portal provides a complete Voting Assistance Officer section, which includes VAO training, complete templates for establishing an effective Voting Assistance Officer program, election alerts, and a wealth of information that will help them fulfill their responsibilities.

FVAP also sent blast emails to every member of the military 90, 60, and 30 days prior to the November 2010 general election, addressing voter registration and absentee ballot application, the availability of the wizards at FVAP.gov, and the need for using the FWAB (particularly the FWAB wizard).

#### **4.8 Installation Voter Assistance Offices**

The MOVE Act directs the Service Secretaries to designate offices on each military installation as Voter Assistance Offices. The MOVE Act prescribes that these offices provide information and direct assistance on voter registration and absentee ballot procedures to Uniformed Services members and their family members whenever a service member:

- In-processes at a new duty station;
- Deploys overseas for at least six months or returns from such a deployment; and
- Requests such assistance.

Separately, the Act authorizes the Secretary of Defense to designate Installation Voter Assistance (IVA) Offices as voter registration agencies (under the National Voter Registration Act, or NVRA). The Department issued a Directive-Type Memorandum (DTM) to the Services to implement IVA Offices in November 2010.

The Installation Voter Assistance Office provisions of the MOVE Act are costly, manpower intensive, and require significant effort for the Services to implement. Furthermore, while the change of duty station process is being moved away from installation level facilities to unit level execution supported by online applications, the IVA Office provision means voting assistance will soon be the only change of duty station or pre-/post-deployment activity handled at the installation level. All the voting assistance mandated by the MOVE Act, as well as that mandated for voter registration facilities under the National Voter Registration Act (NVRA), can be accomplished at the unit level, at far less cost and effort.

The Services were further hindered in their ability to establish Installation Voter Assistance Offices due to the restrictions on new program starts under the Continuing Resolution Authority for fiscal year 2011 that extended until April 2011. Once the final Service appropriations were

enacted, and new starts were authorized, the Services moved forward with the IVA Office implementation requirement, and as of June 30, 2011 report:

- *U.S. Army.* 51 out of 51 offices established,
- *U.S. Air Force.* 48 out of 76 offices established,
- *U.S. Coast Guard.* 13 out of 13 offices established; although the Coast Guard is not required to establish IVA Offices,
- *U.S. Navy.* 68 out of 68 offices established, and
- *U.S. Marine Corps.* 0 out of 18 offices established.

To assist the Services implement this requirement given the logistical hurdles and issues regarding delayed program starts, FVAP provided extensive in-person and webinar training for military installations, conducting onsite training in June and July 2010 at 36 military concentration areas worldwide. This training also provided complete training manuals and administrative document templates, much like an “IVA Office in a Box” turnkey set-up. FVAP hosts monthly status conference calls and quarterly face-to-face meetings with the Service Voting Action Officers to monitor implementation, identify problems requiring additional assistance, and to provide assistance to the Services in implementing these requirements.

## **5. Assessment of the 2010 Election**

FVAP conducted six post-election surveys to assess the effectiveness of the voting assistance programs. Surveys were conducted with: Active Duty Military personnel; Spouses of Active Duty Military personnel; Unit Voting Assistance Officers; Overseas Civilians; Department of State Voting Assistance Officers; and Local Election Officials.

While all surveys have been completed, the statistical adjustments for demographics, non-response, selection bias, and other factors are considerable, and that analysis is not yet complete. The Department plans to submit its 2010 post-election report by September 30, 2011.

## **6. Moving Forward for the 2012 Election**

To continue implementation of the MOVE Act and prepare for the 2012 election cycle, FVAP is continuing to improve its processes, programs and tools. FVAP is especially focused on expanding functionality of the current website portal and tools, specifically strengthening registration and ballot wizards, expanding availability of databases, and deployment of online training for Voting Assistance Officers. Additionally, FVAP is expanding its advertising and outreach efforts, and continuing to work with the States to streamline the UOCAVA voting process.

### **6.1 Direct to the Voter Outreach and Education**

In order to expand its outreach and improve the voting experience for military voters, FVAP will foster public/private partnerships and integrate advocacy groups into the voting assistance program. Our commitment to direct-to-the-voter assistance will be expanded through numerous improvements to the FVAP.gov web portal.

- FVAP will host the FWAB wizard database internally so that States can give us their candidate and election data directly.

- FWAB capabilities will be expanded so that States can provide state-wide candidate and election information which will be directly loaded into the FWAB Wizard.
- FVAP is pursuing two-dimensional bar code capability for both the FWAB and FPCA Wizards to enable automated uploading process and thereby reduce transcription errors.
- Additionally, both the paper-based and electronic versions of the FPCA and FWAB will be re-designed to make them more user-friendly and easier to complete.
- FVAP will create unit and installation-level VAO databases to make it easier for military voters to find the relevant contact information for their locations. This will ease military voter efforts while also relieving the Services of maintaining their own separate systems.
- Finally, FVAP will develop more interactive, intuitive online training that will guide Voting Assistance Officers, and for the first time for the voters themselves, through its online tools.

In addition to these technology solutions, during the 2012 election cycle, FVAP will once again provide a 24/7 call center and online chat capability and greater ombudsman support in order to meet the immediate needs of both military voters and local election officials.

## **6.2 Technology Initiatives**

In addition to the above initiatives, FVAP has made available \$16,200,000 in federal funding to support research and development to advance the electronic options for military and overseas citizens when voting absentee. State, county and city or township governments are eligible to apply for the grants. The program, known as the Electronic Absentee Systems for Elections (EASE), will for the first time allow FVAP to competitively offer grant assistance to election officials. While geared towards developing systems that will be deployed by State and local election jurisdictions, ultimately it will be the military and overseas voter who benefits with easier access to ballots, and better data on the success of voting assistance programs to let FVAP refine and focus its efforts with limited resources.