

## 2011 ANNUAL REPORT ON THE EFFECTIVENESS OF ACTIVITIES AND UTILIZATION OF CERTAIN PROCEDURES

July 2012

This report<sup>1</sup> has been prepared by the staff of the Federal Voting Assistance Program Washington, DC

<sup>&</sup>lt;sup>1</sup> Preparation of this report/study cost the Department of Defense a total of approximately \$18,000 for the 2012 Fiscal Year. Generated on 2012Jul05 1421 RefID: 9-7DF5B4C

# **Executive Summary**

### Background

Title 42 of the United States Code, Section 1973ff-4a(b) requires an annual report by the Department of Defense to Congress by March 31st concerning:

- the effectiveness of Federal Voting Assistance Program (FVAP) activities carried out under section 1973ff-2b of the above title;
- an assessment of voter registration and participation by absent uniformed services voters;
- an assessment of voter registration and participation by overseas citizens not members of the Uniformed Services;
- a description of cooperation between States and the Federal government in carrying out the requirements of the *Uniformed and Overseas Citizens Absentee Voting Act* (*UOCAVA*); and,
- a description of the utilization of voter assistance under Title 10 USC 1566a.

This Annual Report covers activities from January 1, 2011, through December 31, 2011. It details an assessment of the activities carried out by FVAP and includes information on the four Federal Congressional Special General Elections that were conducted in 2011. Information from these elections helps assess military and overseas voter participation and cooperation between States and FVAP to carry out the requirements of *UOCAVA*.

# **Key Activities**

#### Federal Voting Assistance Program Activities

The Federal Post Card Application (FPCA) serves as a simultaneous voter registration and ballot request form. The Federal Write-In Absentee Ballot (FWAB) serves as a backup ballot for voters who requested an absentee ballot via the FPCA but did not receive their ballot close to Election Day. During 2011, FVAP redesigned the FPCA and FWAB to bring the forms into compliance with *Military and Overseas Voter Empowerment (MOVE) Act* requirements. Additionally, FVAP conducted usability and accessibility studies on the forms and held a public comment period to incorporate best election community practices.

FVAP provides voting information directly to the voter through its website, FVAP.gov. This site hosts comprehensive, State-specific absentee voting information for all citizens covered by *UOCAVA* through embedded intuitive online tools and form completion wizards. FVAP's 2010 Post-Election Survey indicates voters who visited FVAP.gov are satisfied with their experience.

Throughout 2011, FVAP improved its online form wizards' usability and accessibility for the 2011 Federal Congressional Special Elections. FVAP also improved its online form wizards to "guide" voters through the FPCA and the FWAB with quick, intuitive question-based queries to automatically fill out the forms for the voter and provide complete submission instructions.

In 2011, FVAP continued to improve its voter notification programs. FVAP included print advertisements in *Military Times, Stars and Stripes*, and *Military Spouse*. To complement these advertisements, FVAP also deployed online advertisements using behavioral, contextual, and geographic targeting to reach military and overseas voters.

Post-election survey results show junior ranks of the active duty military request the least amount of voting assistance. Social networking platforms are recognized as the information tools of choice among 18- to 25-year-olds. In 2011, FVAP used Twitter resources to identify Americans living overseas through specific search results. Users located outside the U.S., who follow Presidential candidates and discuss topics typically of interest to Americans (for example, the Super Bowl), are offered the opportunity to follow @FVAP to get updates about absentee voting timelines, the availability of forms, and online form wizards.

#### Federal Election Activity

Four Special General Elections for Federal office were held during this period:

- May 24, 2011: Special General Election for the 26th Congressional District of New York to fill the vacant seat of Representative Chris Lee.
- July 12, 2011: Special General Election for the 36th Congressional District of California to fill the vacant seat of Representative Jane Harman.
- September 13, 2011: Special General Election for the 9th Congressional District of New York to fill the vacant seat of Representative Anthony D. Weiner.
- September 13, 2011: Special Election for the 2nd Congressional District of Nevada to fill the vacant seat of Representative Dean Heller.

Of the 4,631 *UOCAVA* absentee ballots transmitted over these four special elections, 1,180 (25%) were cast; of those, 1,119 (95%) were counted. However, for three of the four elections, the absentee ballot cast rate was in the 38% to 48% range. In the California 36<sup>th</sup> Congressional District Special Election, the absentee ballot cast rate was only 9%. In all four Special General Elections for Federal offices in 2011, military and overseas voters had at least 45 days to receive, vote, and return the absentee ballot.

#### Federal and State Cooperation

FVAP conducts a review of State military and overseas voting laws every year, and provides suggestions to the States on how their laws and regulations can be improved. This is done through a legislative initiatives package sent to each State election director and the leaders of each State legislative chamber. In addition, FVAP provides written and oral testimony before State legislative hearings and conferences to educate the legislatures on voter issues driving FVAP's legislative initiative recommendations and how current laws compare to those recommendations.

With the passage of the *MOVE Act*, FVAP worked in partnership with the Defense State Liaison Office to pursue these efforts with the States. In 2011, 31 States enacted 42 laws that,

for example, mandate election officials allow more time for ballot transmission, accept the FWAB in State and local elections, and make other changes that increase the chances military and overseas voters will be able to successfully cast a ballot in Federal and State elections.

On August 30, 2011, the New York State Board of Elections applied for undue hardship waivers under section 102(g) of *UOCAVA*(42 USC1973ff-1(g)) for New York's September 11, 2012, Primary Election and the November 6, 2012, General Election. On November 16, 2011, then-Acting Under Secretary of Defense for Personnel and Readiness denied both waiver applications.

A long-standing issue for State and local election officials is completing separate postelection surveys for both FVAP and the Election Assistance Commission (EAC) on military and overseas voting. On October 7, 2011, executives from the National Association of State Election Directors (NASED), the EAC, and FVAP agreed that the EAC and FVAP will produce a combined survey for 2014.

Although *UOCAVA* voters face a unique set of challenges, FVAP — in collaboration with key stakeholder groups — is helping to make significant improvements in military and overseas voting performance and opportunity. To prepare for the 2012 election cycle, FVAP is continuing to improve its processes, programs, and tools.

# **Table of Contents**

I. ASSESSMENT OF FEDERAL VOTING ASSISTANCE PROGRAM ACTIVITIES	7
Availability of the Voter Registration Forms — Federal Post Card Application and Federal	l
Write-In Absentee Ballot	7
FVAP.gov Website	7
Online FPCA and FWAB Wizards	8
Voter Notification Programs	10
Social Networking	11
Voter Notification	
II. FEDERAL ELECTION ACTIVITY	13
Voter Participation by UOCAVA Citizens in the Special General Elections	
26th Congressional District of New York, May 24, 2011	
36th Congressional District of California, July 12, 2011	
9th Congressional District of New York, September 13, 2011	
2nd Congressional District of Nevada, September 13, 2011	14
Ballot Transit Times and Voting Rates in Special General Elections	14
III. FEDERAL AND STATE COOPERATION.	
Legislative Initiatives	16
<i>MOVE Act</i> Waiver Applications	
Election Official Training	
Uniformed Military and Overseas Voter Act	
Military Voting Assistance Programs	
Combination of the FVAP and Election Assistance Commission UOCAVA	
IV. CONCLUSIONS	19

# **Charts and Tables**

CHART 1: 2011 FPCA AND FWAB TRANSACTIONS BY MONTH	9
CHART 2: TOTAL NUMBER OF FPCAS AND FWABS DOWNLOADED IN YEARS 2007, 2009, AND	2011.10
TABLE 1: 2011 OVERALL UOCAVA ELECTION TOTALS AND VOTING SUCCESS RATES	15
TABLE 2: 2011 MILITARY ELECTION TOTALS AND VOTING SUCCESS RATES	15
TABLE 3: 2011 OVERSEAS CIVILIANS ELECTION TOTALS AND VOTING SUCCESS RATES	15
TABLE 4: FVAP STATE LEGISLATIVE INITIATIVES	17

# I. Assessment of Federal Voting Assistance Program Activities

The Federal Voting Assistance Program (FVAP) provides U.S. citizens worldwide a broad range of non-partisan information and assistance to facilitate their participation in the voting process regardless of where they work or live. FVAP's mission is to assist uniformed services and overseas voters to exercise their right to vote so that they have an equal opportunity with the general population to have their vote counted; assist the States in complying with relevant federal laws, and advise them on ways to best comply; and advocate on behalf of the uniformed services and overseas voters, identifying impediments to their ability to exercise their right to vote, and proposing methods to overcome those impediments.

# Availability of the Voter Registration Forms: Federal Post Card Application and Federal Write-In Absentee Ballot

The Federal Post Card Application (FPCA) serves as a simultaneous voter registration and ballot request form. The Federal Write-In Absentee Ballot (FWAB) serves as a back-up ballot for voters who requested an absentee ballot via the FPCA but did not receive their ballot close to Election Day.

During 2011, FVAP redesigned the FPCA and FWAB to bring the forms into compliance with *Military and Overseas Voter Empowerment (MOVE) Act* requirements. Additionally, FVAP conducted usability and accessibility studies on the forms and held a public comment period to incorporate best election community practices.

Through a broad outreach campaign FVAP issued several news releases regarding the new forms:

- FVAP solicited input from stakeholders on the redesign in a news release sent in March 2011;
- FVAP new forms news release was sent in October 2011 after the online FPCA wizard was updated;
- FVAP new forms news release was sent in December 2011 after the online FWAB wizard was updated; and,
- An additional 11 news releases were sent mentioning the importance of the FPCA and FWAB for State-specific elections.

Voters can obtain hardcopy forms through their Unit Voting Assistance Officers, Installation Voting Assistance Offices, or at any Embassy or Consulate. Form-fillable PDF versions of the 2011 forms are available at FVAP.gov and have been incorporated in the online form wizards.

#### **FVAP.gov Website**

FVAP provides voting information directly to the voter through its website, FVAP.gov. This site hosts comprehensive, State-specific absentee voting information for all citizens covered by the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* through embedded intuitive online tools and form completion wizards. FVAP.gov gives voters up-to-date FVAP news, voting reference materials, pertinent reports and briefings, and an independent means of executing their voting rights. FPCA and FWAB wizards, known internally as the Registration, Request, and Receive (R3) online wizard, display uniformly through all 55 States, the District of Columbia, and territories by seamlessly prompting voters to fill out only the information required from their selected State of legal residence.

FVAP's 2010 Post-Election Survey indicates voters who visited FVAP.gov are satisfied with their experience. In particular:

- 74% of registered active duty military voters who accessed and used FVAP.gov were satisfied;
- 98% of Unit VAOs who accessed and used FVAP.gov were satisfied; and,
- 99% of Department of State VAOs who accessed and used FVAP.gov were satisfied.

## **Online FPCA and FWAB Wizards**

Throughout 2011, FVAP improved its online wizards' usability and accessibility for the 2011 Federal Congressional Special Elections. Additionally, FVAP adjusted congressional district geographic data for the online wizards. After redistricting occurred throughout the U.S., this adjustment was required to ensure the online wizards directed voters to the correct election races and jurisdictions. FVAP also conducted in-person usability focus groups and research to improve FVAP.gov. Changes made based on the findings of these focus groups enhanced the site by improving accessibility and minimizing the time spent completing the wizards.

FVAP also improved its online form wizards to "guide" voters through the FPCA and the FWAB with quick, intuitive question-based queries to automatically fill out the forms for the voter and provide complete submission instructions. Once complete, a PDF can be generated and printed with all required information. The PDF is then signed and returned by electronic transmission or mail by the voter. Fax and email cover sheets and envelope templates are available to the user within the wizard, as well. Chart 1 shows monthly online R3 wizard transactions and separate downloads of FVAP's static form-fillable PDFs. Static downloads and R3 wizard activity spiked at the end of 2011 as FVAP began its voter outreach and communications program for the 2012 Presidential Preference Primaries.

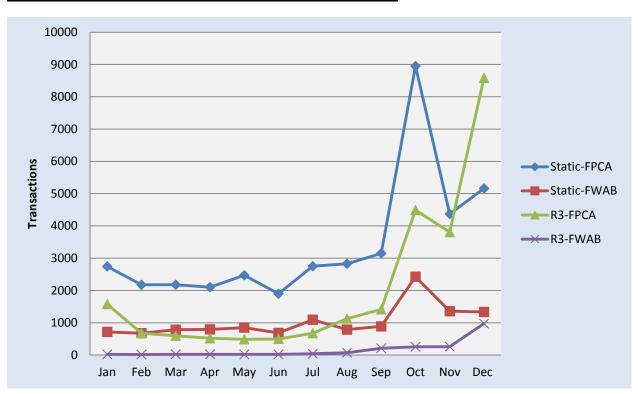


Chart 1: 2011 FPCA and FWAB Transactions by Month

The FWAB is used by *UOCAVA* voters as a backup ballot if they do not receive their State ballot with enough time to vote and return it to their local election office before the State ballot receipt deadline. The FWAB offers military and overseas voters the ability to cast votes for Federal offices, and for State and local offices when authorized by the State. FVAP's online FWAB wizard populates the voter's candidate choices by importing all Federal candidate information from their selected jurisdiction. Like the FPCA wizard, when the FWAB wizard is complete, the form is automatically populated with the voter's selections and answers, and the voter is able to print the materials for signature and postal return.

No "record" of voter selections is collected, nor is a "system of records" created as those terms are defined in the Privacy Act or DoD 5400.11R, *Department of Defense Privacy Program.* The individual providing information completes an online form, reviews the form online, prints it, and returns the form to the individual's local election office. Once the individual user clicks "Finish," the data is purged. If "Finish" is not selected, and the individual either closes the browser or changes to another website, the data is still purged.

Through the creation of the online form wizards and the marketing of FVAP.gov, downloads from the website have significantly increased. From 2009 to 2011, the number of FPCAs downloaded increased more than 74%, and FWAB downloads increased more than 120%. FVAP made the availability of these tools a key element of its continuous marketing and voter communication program.

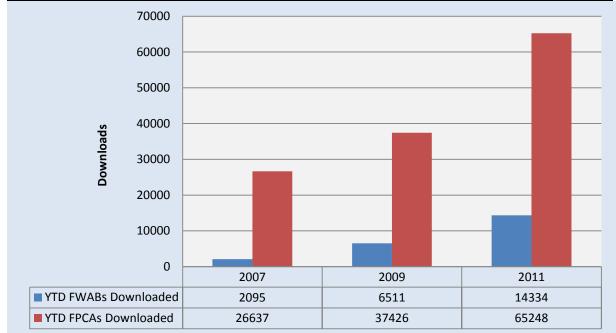


Chart 2: Total Number of FPCAs & FWABs Downloaded in Years 2007, 2009, and 2011

## **Voter Notification Programs**

In September 2009, FVAP developed a comprehensive communications and marketing plan. The goals were to:

- Increase voter recognition of FVAP;
- Improve military and overseas voters' knowledge of their voting options and rights;
- Establish FVAP.gov as the primary online web presence for military and overseas voters; and,
- Increase the number of successful absentee ballot submissions from the population that FVAP serves.

To achieve these goals, FVAP created the FVAP.gov brand through communications campaigns in military newspapers, online advertising, social media engagement in locations with large military and overseas populations, as well as through Armed Forces Network advertisements.

In 2011, FVAP included print advertisements in *Military Times*, *Stars and Stripes*, and *Military Spouse*. To complement these advertisements, FVAP deployed online advertisements using behavioral, contextual, and geographic targeting to reach military and overseas voters. Behavioral and contextual targeting included military and expatriate search engines. Geographic targeting included countries that were selected based on large U.S. military populations, Facebook reach, and State Department embassy and consulate "voter help" request numbers from the 2008 election.

#### **Social Networking**

Post-election survey results show that junior ranks of the active duty military request the least amount of voting assistance. Social networking platforms are recognized as the information tools of choice among 18- to 25-year-olds. This age group is associated with very low voter turn-out rates nationwide and also is the age group that comprises a large percentage of today's Uniformed Services.

Beginning in 2009, FVAP initiated a multiple mode voter outreach and communications strategy with a strong emphasis on social media sites, including Facebook, LinkedIn, Twitter, and MeetUp. FVAP uses social media to share timely absentee voting deadlines and procedures. These tools are powerful in an environment where technology has become key to reaching our target audiences.

In 2011, FVAP used Twitter resources to identify Americans living overseas through specific search results. Users located outside the U.S., who follow Presidential candidates and discuss topics typically of interest to Americans (for example, the Super Bowl), are offered the opportunity to follow @FVAP to get updates about absentee voting timelines, the availability of forms, and online form wizards. Through this initiative, FVAP's Twitter followers increased from approximately 400 followers to more than 30,000 in two months.

Social networking enables FVAP to participate in two-way conversations with many military and overseas voters. FVAP interacts with military and overseas voters by posting realtime alerts, answering questions, and receiving timely feedback. Social networking offers the potential for further improving the *UOCAVA* absentee voting process, which FVAP will continue to explore and leverage.

#### **Voter Notification**

Notifications include instructions on how to obtain and submit FPCAs in order to register to vote and how to request and obtain absentee ballots for upcoming elections. For every election held in each State, separate notifications are issued with State-specific information regarding how to register to vote and receive an absentee ballot. These are supplemented by Facebook and Twitter postings of the voter alerts. All FVAP voter alerts are archived at FVAP.gov. In addition, links to State-specific election websites provide detailed voting information.

The *MOVE Act* mandates FVAP release notifications via the military global network 90, 60, and 30 days prior to a regularly scheduled Federal election. In 2011, there were no regularly scheduled elections and FVAP did not release any voting notifications via the military global network. Nonetheless, FVAP worked aggressively to share information for special elections, including targeted voter alerts and general news releases.

To prepare for early Presidential Preference Primaries, voter alerts were sent in early October, late October, and in November, identifying the deadlines for submitting FPCAs and to remind voters to use the FWAB in the event they do not receive their State ballot 30 days prior to elections. A December voter alert was sent to all listserv subscribers reminding them of the early January Presidential Preference Primaries and the importance of registering early and often for those States.

# **II. Federal Election Activity, 2011**

Four Special General Elections for Federal office were held during this period:

- May 24, 2011: Special General Election for the 26th Congressional District of New York to fill the vacant seat of Representative Chris Lee.
- July 12, 2011: Special General Election for the 36th Congressional District of California to fill the vacant seat of Representative Jane Harman.
- September 13, 2011: Special General Election for the 9th Congressional District of New York to fill the vacant seat of Representative Anthony D. Weiner.
- September 13, 2011: Special Election for the 2nd Congressional District of Nevada to fill the vacant seat of Representative Dean Heller.

## Voter Participation by UOCAVA Citizens in the Special General Elections

Of the 4,631 *UOCAVA* absentee ballots transmitted over these four special elections, 1,180 (25%) were cast; of those, 1,119 (95%) were counted. However, for three of the four elections, the absentee ballot cast rate was in the 38% to 48% range. In the California 36<sup>th</sup> Congressional District Special Election, the absentee ballot cast rate was only 9%.

Collecting consistent data regarding special and primary elections is a challenge. Several States do not gather or maintain data regarding turnout and absentee ballot return rates. Such data would be useful for FVAP to evaluate the impact of the *MOVE Act* and the effectiveness of program actions or changes.

Voter participation data for UOCAVA citizens in the four Special General Elections is summarized in the following tables:

- Table 1: 2011 Overall UOCAVA Election Totals and Voting Success Rates
- Table 2: 2011 Military Election Totals and Voting Success Rates
- Table 3: 2011 Overseas Civilians Election Totals and Voting Success Rates.

#### 26th Congressional District of New York, May 24, 2011

New York's 26th Congressional District transmitted 639 absentee ballots to military and overseas voters for the May 24, 2011, General Election. The 639 ballots consisted of 260 to uniformed services members and 379 to overseas civilians. Further, 308 of the 639 transmitted ballots were cast, and 305 were counted.

The rate counted for ballots cast was 100% for uniformed services members and 98% for overseas civilians. New York law allows ballots to be received until 13 days following the election, providing a total of 59 days of transit time.

#### 36th Congressional District of California, July 12, 2011

California transmitted 2,363 absentee ballots to military and overseas voters for the May 28, 2011, Special General Election. These ballots were transmitted 45 days before the election and consisted of 1,373 to uniformed services members and 990 to overseas civilians. Further, 223 of the 2,363 transmitted ballots were cast, and 216 were counted.

For both the uniformed services members and for overseas civilians, the rate counted for ballots cast was 97%.

California law requires ballots to be returned to the election office by close of polls on Election Day. Military and overseas voters had 45 days of ballot transit time.

#### 9th Congressional District of New York, September 13, 2011

New York's 9th Congressional District transmitted 1,101 absentee ballots to military and overseas voters for the July 29, 2011, General Election. The 1,101 ballots consisted of 37 to uniformed services members and 1,064 to overseas civilians. Further, 450 of the 1,101 transmitted ballots were cast, and 403 were counted.

The rate counted for ballots cast was 93% for uniformed services members and 89% for overseas civilians. Ballots that were returned and went uncounted lacked a signature, were received too late or were not postmarked timely, or experienced other difficulties.

Most ballots for the eligible military and overseas voters were sent out by first class mail. Voters were also able to access their ballot online. Ballots were sent to military and overseas voters 59 days before the election. Round trip ballot transit time was 59 days, with 13 days of late counting.

#### 2nd Congressional District of Nevada, September 13, 2011

Nevada's 2nd Congressional District transmitted 528 absentee ballots to military and overseas voters for the July 29, 2011, Special General Election. The 528 ballots consisted of 428 to uniformed services members and 100 to overseas civilians. Further, 199 of the 528 transmitted ballots were cast, and 195 were counted.

The rate counted for ballots cast was 97% for uniformed services members and 100% for overseas civilians.

Nevada law requires ballots to be returned to the election office by close of polls on Election Day. Military and overseas voters had 47 days of ballot transit time.

#### **Ballot Transit Times and Voting Rates in Special General Elections**

Tables 1 through 3 summarize the absentee ballot transit times and voting success rates for the 4 Congressional Special General Elections held during 2011.

Election	Ballot Transit Time (Days)	Ballots Transmitted	Ballots Cast	Ballot Cast Rate	Ballots Counted	Rate Counted of Cast
$26^{\text{th}} \text{NY}$	59	639	308	48%	305	99%
36 <sup>th</sup> CA	45	2,363	223	9%	216	97%
9 <sup>th</sup> NY	59	1,101	450	41%	403	90%
$2^{nd}$ NV	47	528	199	38%	195	98%

Table 1: 2011 Overall UOCAVA Election Totals and Voting Success Rates

 Table 2: 2011 Military Election Totals and Voting Success Rates

Election	Ballot Transit Time (Days)	Ballots Transmitted	Ballots Cast	Ballot Cast Rate	Ballots Counted	Rate Counted of Cast
$26^{\text{th}} \text{NY}$	59	260	115	44%	115	100%
36 <sup>th</sup> CA	45	1,373	121	9%	117	97%
9 <sup>th</sup> NY	59	37	15	41%	14	93%
2 <sup>nd</sup> NV	47	428	157	37%	153	97%

Election	Ballot Transit Time (Days)	Ballots Transmitted	Ballots Cast	Ballot Cast Rate	Ballots Counted	Rate Counted of Cast
$26^{\text{th}} \text{NY}$	59	379	193	51%	190	98%
$36^{\text{th}} \text{CA}$	45	990	102	10%	99	97%
9 <sup>th</sup> NY	59	1,064	435	41%	389	89%
2 <sup>nd</sup> NV	47	100	42	42%	42	100%

In all four Special General Elections for Federal offices in 2011, military and overseas voters had at least 45 days to receive, vote, and return the absentee ballot. The need for a full 45 days is heightened because the Military Postal Service Agency does not provide its express mail return service for Special and Primary Elections.

# **III. Federal and State Cooperation**

FVAP works with States, Military Services, and other Federal agencies to effectively administer the *UOCAVA* on behalf of the Secretary of Defense. Enhanced relationships with these organizations allow for improvements to the uniformed services and overseas citizen absentee voting process.

#### **Legislative Initiatives**

FVAP conducts a review of State military and overseas voting laws every year, and provides suggestions to the States on how their laws and regulations can be improved. This is done through a legislative initiatives package sent to each State election director and the leaders of each State legislative chamber. In addition, FVAP provides written and oral testimony before State legislative hearings and conferences to educate the legislatures on voter issues driving FVAP's legislative initiative recommendations and how current laws compare to those recommendations.

With the passage of the *MOVE Act*, FVAP worked in partnership with the Defense State Liaison Office to pursue these efforts with the States. In 2011, 31 States enacted 42 laws that, for example, mandate election officials allow more time for ballot transmission, accept the FWAB in State and local elections, and make other changes that increase the chances military and overseas voters will be able to successfully cast a ballot in Federal and State elections. In fact, FVAP has achieved near universal acceptance and implementation of some of its earliest legislative initiatives. All States now provide a minimum of 45 days for ballot transit time, and States no longer require a notary on registration or ballot materials.

Because of this success, FVAP altered some of its legislative initiatives, making them more specific and focused on protecting the validity of ballots cast by military and overseas electors. In particular, FVAP now recommends that States not only provide 45 days for ballot transit time, but also codify a 45-day prior transmission requirement into their election code. This gives State officials flexibility to resolve *MOVE Act* compliance concerns without the intervention of the U.S. Department of Justice. Additionally, FVAP recommends States adopt both "push" and "pull" methods of electronic transmission of blank ballots to voters. Pushing a blank ballot generally involves emailing a PDF format of the voters' blank ballots to them and allowing the voters to mark those ballots and return them in accordance with State law. Pulling the blank ballot allows voters to access a website and either through personal identification or address identification, access their ballots online and then complete them and return them in accordance to State law.

Table 4 shows the legislative initiatives supported by FVAP and the number of States adopting legislation from 2007 through 2011.

#### Table 4: FVAP State Legislative Initiatives

FVAP State Legislative Initiative	# of States in 2007	# of States in 2011
Codified 45-day prior transmission	3	33
Accept FWAB in State and local elections	22	36
Email blank ballots to military and overseas voters	13	50
Require a notary	8	0
Enact UMOVA	0	7

#### **MOVE Act Waiver Applications**

On August 30, 2011, the New York State Board of Elections applied for undue hardship waivers under section 102(g) of *UOCAVA* (42 USC 1973ff-1(g)) for New York's September 11, 2012, Primary Election and the November 6, 2012, General Election. The State sought waivers based on the late Primary Election date and the challenges the legislature faced with redistricting following the 2010 census. On November 16, 2011, with input from FVAP and following consultation with representatives of the Attorney General, pursuant to her delegated authority as the Presidential designee, then-Acting Under Secretary of Defense for Personnel and Readiness, Dr. Jo Ann Rooney, denied both waiver applications. The Presidential designee determined that New York failed to demonstrate an undue hardship and that the State's proposed comprehensive plan failed to provide sufficient time for military and overseas voters to register, receive, cast, and have their ballots counted.

#### **Election Official Training**

In 2011, as a critical element of the program to build relationships with State and local election officials, FVAP addressed 3,700 election officials and spoke at 24 local election official conferences. Based on the audience, the presentations covered a range of topics from the basic requirements of *UOCAVA* and the *MOVE Act* and the importance of providing online information to military and overseas citizen voters to detailed discussions of the proposed State-level *Uniform Military and Overseas Voters Act (UMOVA)* and detailed findings of post-election surveys. Through these presentations and training sessions, FVAP builds support among the 7,800 election jurisdictions to improve State laws and programs for military and overseas citizen voters and broadens the understanding of the responsibilities that these election officials have to ensure military and overseas voters are able to participate.

#### Uniformed Military and Overseas Voter Act

In 2010, the Uniform Law Commission (ULC), a consortium of State-appointed legal experts, drafted the *UMOVA* and recommended it to States for adoption. Since its development, the American Bar Association, the Pew Center for the States, and the Council on State Governments have endorsed *UMOVA* and likewise encouraged States to adopt this legislation. FVAP has a contract with the ULC and works with the organization to educate State lawmakers and election officials about the *Act*. Universal adoption of *UMOVA* would standardize treatment of the FPCA and the FWAB, and would extend *MOVE Act* protections to State and local

elections. Universal adoption of *UMOVA*, therefore, would standardize and simplify the military and overseas voting process.

To date, seven States and the District of Columbia have enacted *UMOVA*. Several other State legislatures are currently considering *UMOVA* during their 2012 sessions.

#### Military Voting Assistance Programs

Title 10 U.S. Code 1566a requires regular military department assessment of their voting assistance programs. A description of the specific programs implemented by each military department of the Armed Forces can be found at FVAP.gov.

#### Combination of the FVAP and Election Assistance Commission UOCAVA Surveys

A long-standing issue for State and local election officials is completing separate postelection surveys for both FVAP and the EAC on military and overseas voting. On October 7, 2011, executives from the NASED, the EAC, and FVAP met to discuss how to reduce the data collection burden imposed on States by the bi-annual surveys of the EAC and FVAP. At this meeting, the NASED Executive Board, EAC, and FVAP agreed upon the following:

- FVAP requires more detailed data than EAC since the program is driven from the results.
- For 2012:
  - EAC and FVAP will send separate surveys to the States;
  - The number of FVAP survey questions will be reduced, six of which are in common with the EAC survey;
  - The FVAP survey will be sent to a reduced number of sampled jurisdictions, but States will assist FVAP in getting those selected jurisdictions to respond to both the qualitative and quantitative surveys in order to maintain sufficient responses to produce a statistically significant survey result; and,
  - FVAP will continue to conduct a separate qualitative survey to validate quantitative findings and analyze FVAP training and support programs.
- The EAC and FVAP will produce a combined survey for 2014.

# **IV. Conclusions**

2011, an off-election year (in which there are no Federal General Elections held), has been a busy year. FVAP has had two main goals in 2011: Ensure the successful implementation of the *MOVE Act*, and prepare for the 2012 Presidential General Election.

FVAP has developed a web presence that informs stakeholders of voter registration procedures, absentee ballot procedures, State-specific guidelines, and provides a more streamlined absentee voting process. FVAP also has multiple communication channels in place to notify absent uniformed services voters of registration deadlines — and provides alerts 90, 60, and 30 days prior to each Federal election.

FVAP will continue to expand its social networking activities. This effort will continue to target 18- to 25-year-olds, a group associated with low voter turn-out rates nationwide. The evaluation of the impact of activities in this area will be included in the analysis conducted after the 2012 election.

FVAP has created mutually beneficial relationships with the Military Services, Election Assistance Commission, Uniform Law Commission, States, and territories to explore methods to better serve *UOCAVA* citizens. These relationships will continue to address voting challenges faced by military and overseas citizens and increase the likelihood they will be able to successfully cast their ballot.

Although *UOCAVA* voters face a unique set of challenges, FVAP — in collaboration with key stakeholder groups — is helping to make significant improvements in military and overseas voting performance and opportunity. To 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 and deployment of online interactive training for Voting Assistance Officers and local election officials. Additionally, FVAP is expanding its media and outreach efforts, and furthering its work with the States to streamline the *UOCAVA* voting process.

Finally, though it is early to definitively conclude the impact of the *MOVE Act*, the results seen in 2011 trend positively. As 2012 is a Presidential Election year, FVAP will continue to monitor the impact of the *MOVE Act* on *UOCAVA* voters and their ability to participate in the upcoming Presidential Election.