

**STATEMENT OF**  
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**PROGRAM**

**BEFORE THE**  
**HOUSE COMMITTEE ON ARMED SERVICES**  
**SUBCOMMITTEE ON MILITARY PERSONNEL**  
**HEARING ON**  
**THE FEDERAL VOTING ASSISTANCE PROGRAM**

**SEPTEMBER 13, 2012**

Chairman Wilson, Ranking Member Davis, and distinguished members of the Subcommittee, thank you for the opportunity to discuss the Federal Voting Assistance Program (FVAP) and its implementation of the *Military and Overseas Voter Empowerment Act* (MOVE Act). Since enactment of the MOVE Act, FVAP has improved voter assistance and expanded services for State and local election officials to ensure members of the Uniformed Services and overseas citizens have the opportunity to vote in U.S. elections by absentee ballot. Voting assistance for absentee military and overseas citizen voters has never been better.

The *Uniformed and Overseas Citizens Absentee Voting Act* (UOCAVA), as amended by the MOVE Act (42 U.S.C. 1973ff *et seq.*) (hereafter “the Act”), establishes protections for absent members of the Uniformed Services, their families, and U.S. citizens overseas who wish to vote in federal elections by absentee ballot. The MOVE Act amendments specifically call for reforms of FVAP and place several requirements on State election officials to ensure more timely delivery of voting materials to military and overseas voters. The Department is fully compliant with the spirit and intent of the Act. To implement the MOVE Act amendments, FVAP has:

- Enhanced FVAP.gov by adding online wizards to guide voters through the process of registering to vote, requesting an absentee ballot, and, when necessary, obtaining a write-in ballot. The website includes detailed information on absentee voting requirements and links to election information from all 55 States and Territories;
- Provided guidance and support to the military Services for establishing Installation Voter Assistance Offices;
- Provided guidance and training to State and local election officials to ensure they are aware of the requirements of the Act; and,

- Executed an enhanced voter education and outreach campaign utilizing email messages, social media outreach, and paid advertisements.

FVAP strives to ensure each citizen covered under the Act who wishes to vote by absentee ballot has the tools and resources to do so. FVAP further strives to ensure any ballot timely cast by a covered voter will be counted. This year is the first Presidential Election since the MOVE Act amendments were enacted. Absentee military and overseas service voters will experience a much improved process from four years ago. Prior to the last Presidential Election, only 13 States emailed blank ballots to voters; this year, 47 States offer voters the option of receiving a ballot by email. Fifteen States, including one of the three States that do not offer email, will also offer voters the option of downloading a blank ballot from a secure website. To request ballots, voters have the option of filling out an intuitive form at [FVAP.gov](http://FVAP.gov) or similar online systems offered by 19 States. Voters needing assistance will find a plethora of resources available, including a professional call center, well-trained Voting Assistance Officers, and an intuitive web portal at [FVAP.gov](http://FVAP.gov). Since enactment of the MOVE Act amendments, the Department, the Military Services, along with State and local election officials have rededicated themselves to supporting service member participation in U.S. elections.

Participation rates alone are poor indicators of the effectiveness of voting assistance given that interest in voting fluctuates with each election. This is especially true for the military population, which is younger and more male—young men being the least likely of any demographic to vote—than the general civilian population. Moreover, members of the National Guard and Reserve forces who are no longer on active duty do not qualify for the benefits and protections of the Act, which covers only military voters who are both on active duty and absent from their voting residence. Among covered military and overseas citizens who do vote, an

increasing number visit FVAP.gov, as evidenced by the over 8 million visits to the website since November 2011, use FVAP tools for registration and ballot requests, and are aware of the option to use the federal back-up ballot if their regular ballot does not arrive on time. As for all U.S. citizens, the decision to cast a vote in an election is a personal choice.

### **Serving Voters**

Two forms are at the heart of the absentee voting process for military and overseas citizens. The Federal Post Card Application (FPCA) serves as a simultaneous voter registration and absentee ballot request form. The Federal Write-In Absentee Ballot (FWAB) acts as the standard back-up ballot for voters who do not receive their regular State ballot in time to be returned and counted. Both forms, as mandated by the Act, are prescribed by FVAP. In 2011, FVAP updated both forms to reflect the MOVE Act amendments by eliminating any reference to a notary requirement and creating space for voters to rank their preferred transmission methods (e.g. mail, email, or fax) for receiving election materials. FVAP also conducted a usability study to help make the new FPCA and FWAB more readable and intuitive.

### **Direct-to-the-Voter Assistance**

An increasing number of voters utilize the web and online tools for assistance with the absentee voting process. The Act requires FVAP to deploy online wizards that assist voters applying for an absentee ballot and submitting a FWAB. The wizards ensure that voters answer all of the questions required by their State to register to vote or request an absentee ballot. These online tools were first deployed on the FVAP.gov web portal in August 2010. FVAP has continued to refine these wizards, updating them based on the redesign of the FPCA and FWAB and, prior to the 2012 primary season, incorporating redistricting data in the FWAB wizard. The online wizards have been well received by absentee voters, both military and overseas civilian.

Among recent comments, for example, from an Army Staff Sergeant, “This process was easy and fast. Outstanding set up. Thank you.” and from an overseas citizen, “You did a great job with the online tool. Easy, fast, efficient for those of us living abroad. Thank you!”.

In addition to the wizards, the Act requires FVAP to host an online portal. This portal is located at FVAP.gov and serves as a consolidated and comprehensive resource. Military and overseas voters can find general and State-specific information on absentee voting rules and deadlines. FVAP continues to use the “Global Address Network,” to reach out to military voters across the globe by sending email messages at 90, 60, and 30-day intervals before a federal general election. These emails have embedded links to the FVAP portal, making it as easy as possible for Service members to follow up and register to vote. In January, June, and the first week of September 2012, FVAP sent an email message to every member of the military with a ‘.mil’ email address, some 1.4 million, reminding them to submit a new FPCA to register and request an absentee ballot for the upcoming election. Following these messages, FVAP experienced significant increases in traffic on FVAP.gov. Since November 2011, FVAP.gov has received 8.3 million page views.

In addition to email messaging, FVAP developed and executed a comprehensive communications and marketing plan, including social media outreach, to promote awareness of the resources available at FVAP.gov. FVAP included print advertisements in *Military Times*, *Stars and Stripes*, and *Military Spouse* and banner ads on websites including washingtonpost.com. To complement these advertisements, FVAP deployed online advertisements using behavioral, contextual, and geographic targeting to reach military and overseas voters.

As social networking platforms have become ubiquitous, FVAP maintains a presence on Facebook, Twitter, and LinkedIn. Social networking platforms enable two-way conversations with voters and offer an effective means to quickly disseminate news and information within the military and overseas citizen communities. FVAP social media efforts target younger voters. Post-election surveys consistently show 18- to 24-year-old members of the military, like their general population counterparts, have less experience voting and are often less familiar with the process.

FVAP aims to be the primary source of information for absent military and overseas citizen voters, but it is by no means the only source of information. Each State, as required by the Act, maintains a webpage dedicated to military and overseas voters. Several outside advocacy groups provide voting information to military and overseas voters, and FVAP cooperates with these groups to ensure that they are relaying accurate information. Even Google has now created an online tool to assist military and overseas voters, which includes a link to [FVAP.gov](http://FVAP.gov).

Once overseas service members and their family members vote, the Military Postal Service (MPS) employs special tools to track the ballot and ensure it reaches local election officials in time. The MPS applies the Express Mail Service Label 11-DoD to each ballot from an overseas Service member. The label ensures expedited delivery to the local election office upon arrival in the United States. The label provides voters and the MPS capability to track military ballots from acceptance to delivery through scans at the initial intake point, en route and upon arrival at the U.S. International Gateways (New York, San Francisco, and Miami), and a delivery scan conducted by the U.S. Postal Service.

## **Supporting the Services**

The Act directs the Service Secretaries to designate an office on military installations as a voter assistance office. The Act further requires that these Installation Voter Assistance Offices (IVA Offices) serve as voter registration agencies under the National Voter Registration Act (NVRA). Department of Defense Instruction (DoDI) 1000.04, “Federal Voting Assistance Program” outlines the requirements and procedures the Services must follow in establishing and maintaining voting assistance programs. The DoDI 1000.04 replaces and consolidates previous issuances and provides the Military Services with a single, authoritative source for executing their voting assistance programs. It enhances Department policy by outlining specific requirements for IVA Offices in greater detail than previous guidance.

To assist the Services with these requirements, FVAP provides classroom and webinar training and self-paced courses with handbooks and document templates. The training is intended to provide the Services with an “IVA Office in a box” turnkey set up. FVAP hosts these training materials on FVAP.gov, which also includes a list of all IVA Office contact information. FVAP hosts monthly conference calls and semi-annual face-to-face meetings with the Service Voting Action Officers to discuss implementation of the IVA Office requirement. These regular meetings offer the Services an opportunity to identify challenges and seek assistance from FVAP. In 2012, FVAP staff conducted in-person training and assistance visits at 43 installations. The Services are responsible for execution and compliance, and are required to submit annual reports that outline the effectiveness of their programs.

The Department of Defense Inspector General (DoDIG) conducts an annual assessment on compliance with the Act. In their “Assessment of Voting Assistance Programs for Calendar Year 2011,” dated March 30,2012, the DoDIG noted that “The Army, Naval, Air Force, and

Marine Corps IGs reported that their Service voting assistance programs were effective and compliant with relevant policy, regulation, and public law.” The most recent DoDIG report, released in September 2012, focused on the IVA Office requirement. The DoDIG noted it had difficulty contacting the IVA Offices. However, they used an outdated contact list for the IVA Offices. These offices exist on military installations and, as in any military environment, offices change and service members get reassigned. FVAP has addressed the outdated information and, to ensure accurate records for each office, FVAP will contact every IVA Office weekly until the election.

DoDIG suggested that brick and mortar IVA Offices may not be the most effective way to provide assistance to military voters. FVAP agrees, particularly with respect to younger voters accustomed to going online for information, that IVA Offices may not be the best way to reach all military voters and that the Secretaries of the Military Departments should have the discretion to designate offices where they determine they are needed to optimize voting assistance. FVAP will continue to work with all stakeholders, including the Military Services and the Congress, to review and refine the way the Department provides voting assistance to service members.

FVAP devotes considerable resources to training unit and installation level Voting Assistance Officers (VAOs). FVAP conducts formal in-person training of unit VAOs, webinars for VAOs with FVAP staff, and this year FVAP developed and deployed self-paced online training for use by VAOs at their convenience. The FVAP.gov web portal contains a complete section for VAOs, which includes templates for establishing an effective voting assistance program, election alerts, and resources to answer State-specific questions about voting procedures. The training materials cover important deadlines in the absentee voting process, the various ways to receive and return election materials, and recommends voters use the online

wizard for the FPCA and FWAB at FVAP.gov. As first reported in the FVAP 2010 post-election report, 98% of the VAOs who accessed FVAP.gov found it useful and informative.

To prepare for the 2012 election, FVAP conducted VAO training workshops at 81 military installations and embassies around the world. Additionally, FVAP conducted 42 webinar training sessions. These webinar courses will continue throughout October. All sessions follow a “train-the-trainer” format, giving participants tools and techniques that may be used to train other VAOs, thus ensuring that training may be conducted as required internal to each Service. In addition to supporting the Services, FVAP also supports the Department of State in its mission to provide voting assistance at embassies and consulates around the world. In 2012, FVAP and the State Department partnered to host 22 in-person workshops for overseas citizens, and held a series of conference calls for consular officers to address frequently asked questions from overseas voters. The Department of State provides information on absentee voting, including links to FVAP.gov, on its website and in the information it distributes to U.S. citizens living abroad.

### **Partnering with the States**

The ability of a member of the Uniformed Services or overseas citizen to successfully cast a ballot is largely determined by State law. In passing the Act, Congress placed a number of requirements on States, and mandated that the federal government “consult with State and local election officials [...], and ensure that such officials are aware of the requirements of this Act,” 42 U.S.C. 1973ff(b)(2).

In several States, the Act precipitated substantial changes to election law. In response to the requirement that States transmit previously requested absentee ballots to military and overseas voters 45 days in advance of each federal election, five States and the District of

Columbia moved the date of their primary election or enacted other changes to their election calendar. Many State legislatures had to pass authorizing legislation for electronic transmission of voting materials. In all, 32 States made legislative reforms to the absentee voting process for military and overseas citizens between the 2010 General Election and August 2012.

As States continue to implement the Act and strive to better serve military and overseas citizen voters, FVAP partners with the States to:

- Obtain accurate and up-to-date information on absentee voting rules, procedures, and deadlines that FVAP widely disseminates to voters and Voting Assistance Officers;
- Obtain data for the FVAP statistical analyses of military and overseas voting through post-election surveys of election officials;
- Provide instructions for addressing election materials sent through the Military Postal Service;
- Provide training to State and local election officials on processing election materials from military and overseas voters;
- Assist with compliance when unforeseen circumstances arise;
- Provide written guidance on the application for and approval of hardship waivers as provided by the Act;
- Provide expertise and best practice recommendations on policies and procedures that affect military and overseas voters;
- Consult on State legislative changes to absentee voting laws; and
- Serve as an advocate for military and overseas voters to Chief Election Officials and the professional election administrator community.

## **Building State Capabilities**

Beginning in 2011 and continuing through the first half of 2012, the Department awarded grants on a competitive basis to States and localities to research the effectiveness of new electronic tools for voter registration, blank ballot delivery, and marking. It is important to note that no grant award funds may be used for the electronic return of a voted ballot in a live election. Awardees will submit detailed, quantitative reports on the effectiveness of their systems over the next five years. The grants offer States and localities the flexibility to build tools for military and overseas citizen voters into their existing voter registration and election administration systems. This enables election officials to keep more accurate records of military and overseas citizen voters, reducing the number of misaddressed and thus undeliverable ballots, and automating the timely delivery of blank ballots to voters at the 45-day mark. Improved electronic record keeping that, for instance, clearly labels which voters are covered by UOCAVA, should assist states in complying with federal law. Moreover, such systems automate data collection activities so States and the federal Government can more quickly spot violations of UOCAVA.

Grant awards were made based on recommendations from a review board comprised of election and technology experts. The board assessed proposals based on criteria developed in partnership with State election officials. All identifying information in each proposal was redacted prior to the review, so that board members remained unaware of the grant applicants' identities. In all, FVAP awarded 35 grants. The awardee jurisdictions serve more than 770,000 members of the Uniformed Services.

## **Assisting Voters When States Falter**

FVAP does not have authority to enforce State compliance with the Act. Only the Department of Justice can take legal action against a State for noncompliance. In 2012, the Department of Justice has taken action against five States for failing to comply with the 45-day deadline. In each of these instances, coordinating with the Department of Justice, FVAP worked with the State so affected military and overseas voters were and will be able to successfully cast ballots. FVAP uses its ability to quickly message all Service members from a particular State and notify them of changes to ballot receipt deadlines when federal courts have ordered such changes. When Georgia was ordered to change its primary run-off procedures, FVAP worked with the State to quickly transmit and receive ballots from affected voters. After the U.S. District Court for the Eastern District of California ordered California to provide better training and procedures for local election officials, State officials agreed to make FVAP training materials mandatory for their local election officials to fulfill that judgment.

To the extent possible, FVAP works in coordination with the Voting Section of the U.S. Department of Justice. As required by the Act, FVAP must consult with the Justice Department when reviewing applications for waivers from the 45-day prior transmission requirement. As federal officials, FVAP has an obligation to report violations of federal law, including instances of States failing to comply with the Act, to the Justice Department. Likewise, the Justice Department notifies FVAP when initiating enforcement actions, and includes FVAP in the process of assisting voters affected by a State's noncompliance.

FVAP received only one application for a waiver from the "45-day prior" rule for federal elections during 2012. In late 2011, New York submitted an application for a waiver to cover the State Primary and the General Election in 2012, citing the compressed primary calendar and demands of local election systems. After consulting with the Justice Department, FVAP denied

New York's request. No other waiver applications have been received. The deadline for waiver applications for the 2012 General Election passed on August 8, 90 days before the November election.

## **Preparing for the 2012 General Election**

### **Expanded Training**

In Spring and early Summer 2012, FVAP rolled out interactive online training tools for both election officials and VAOs. These training resources represent a significant expansion of previous FVAP training efforts. Online training provides an effective means to connect with more voters and election officials while maximizing limited staff resources.

### **Improvements at FVAP.gov**

In August 2012, FVAP unveiled a mobile website for easy access to absentee voting information on smartphones and tablets. This update is representative of FVAP's efforts to provide up-to-date information to voters in the most accessible means possible. Since the 2010 General Election, FVAP has updated its online FWAB wizard to include the appropriate Congressional candidates based on the 2012 redistricting process. The wizards, as well as the voting information pages, were updated to reflect changes to State election law and turnover among local election officials. FVAP also drives voters to websites and wizards operated by our State and local partners. Because State and local wizards are often connected directly to the jurisdiction's voter registration and election management software, FVAP displays links to these wizards prominently on the State pages at FVAP.gov.

As of August 26, 2012, 359,683 voters have filled out an FPCA using the FVAP.gov wizard. Following the election, FVAP will survey State and local election officials to gauge usage of State online resources for military and overseas voters. During the election, however,

downloads of the FPCA is FVAP's best gauge of voter participation. At present, the number of downloads is running parallel with the 2004 election cycle, the last time an incumbent U.S. President ran unopposed through one party's primary elections.

### **Communicating with Voters**

In March 2012, FVAP established a call center that military and overseas citizen voters can contact with questions about the absentee voting process. The call center, open from 6:00am to 8:00pm on weekdays, uses email and web chat communications, in addition to phone calls, making it more accessible for voters around the world. Military voters, overseas citizen voters, and local election officials have contacted the call center in roughly equal proportion, with each group accounting for about a third of the inquiries received.

Following its communication plan, FVAP increased advertising efforts to reach more voters during the critical period before registration deadlines. FVAP's summer online advertising campaign attracted 184,000 viewers to FVAP.gov over a four-week period in June and July. The fall online advertising campaign runs from September 10 to October 4.

FVAP also worked to make voters and election officials aware of concerns raised by some overseas citizen advocacy groups regarding the 2011 redesign of the FPCA and FWAB. Previous versions of the FPCA asked overseas citizens to classify their status as overseas "temporarily" or "indefinitely." The 2011 form asked overseas citizens whether or not they "intend to return" to the United States. On both forms, the voter classification question is asked so that election officials can determine whether the voter should receive a full ballot or a ballot with only federal offices. FVAP changed the wording to more accurately reflect State election laws. In 37 States, the determination of ballot type, which is based on residency guidelines, at least partly hinges on whether or not a voter intends to return. Some overseas citizens groups

voiced concerns that the 2011 version could hinder participation since some overseas citizens may not feel comfortable declaring an intent regarding their return to the United States.

Although the Act makes clear that voting in federal elections cannot affect a voter's tax status, a number of overseas citizens raised taxes as a point of possible confusion. In response to these concerns, FVAP made both the 2005 and 2011 versions of the FPCA available on FVAP.gov. Both versions of the FPCA are still valid, and FVAP notified State and local election officials they will likely receive both versions this year.

### **Communicating with States**

As described above, FVAP maintains regular contact with State election officials. In the last several weeks, FVAP sent emails to all State and local election officials reminding them General Election ballots must be sent by September 22, the 45<sup>th</sup> day prior to the November General Election.

FVAP spends significant resources tracking changes to contact information for local election officials. Across the U.S., approximately 7,300 local election officials are independently responsible for transmitting absentee ballots to voters. Approximately half of these officials are in Wisconsin and Michigan, both of which maintain highly decentralized election systems with part-time election officials in every village and township. Turnover among these smaller, rural local officials can pose a hurdle to maintaining current contact information for all local election officials.

FVAP strives to ensure all local election officials are aware of the requirements of the Act. Throughout this year's primary elections, FVAP reminded States which had not previously accepted the FWAB in primary elections that the Act now requires acceptance of the FWAB in all federal elections. This change went into effect after the November 2010 General Election.

Previously, federal law required States to accept the FWAB only in general elections for federal offices.

Similarly, FVAP has had ongoing discussions with States regarding the automatic ballot request validity period of the FPCA. Prior to the MOVE Act amendments, Section 104 of UOCAVA required election officials to treat each valid FPCA as a standing ballot request for all elections through two election cycles, or up to four years. Congress repealed this requirement based on concerns from election officials who were sending ballots to Iraq long after the voter's deployment had ended. This change was not among the heavily publicized changes of the MOVE Act amendments and over the last year has generated questions. For this reason, and because military voters are a mobile population, FVAP instructs military voters to submit a new FPCA each year.

### **On-Going Research**

FVAP conducts a statistical analysis on the effectiveness of the Department's voting assistance programs and submits its findings to Congress annually. FVAP continues to use a series of surveys to document the performance of the voting assistance programs. FVAP surveys members of the active duty military, their spouses, VAOs, and election officials following each federal general election and uses research findings to guide program decisions. Following the 2008 election, for instance, FVAP found that service members and overseas citizens rarely have difficulty registering to vote or requesting an absentee ballot, but often struggle to receive a blank ballot in time to both vote and return the ballot in time for it to be counted. In light of this finding, FVAP shifted to a focus on ballot delivery, aiming to reduce the amount of time a ballot spends in transit. This focus has guided the development of secure websites where ballots can be quickly downloaded from anywhere in the world.

FVAP compares its survey findings to the findings of the American Community Survey conducted by the U.S. Census Bureau. Both FVAP and the Census Bureau ask similar questions about voter registration and participation in recent U.S. elections. Though surveys are always inexact, the comparison allows FVAP to see identify similarities and differences in voter participation between military voters and the civilian voting age population. FVAP weights its survey findings to account for the fact that the military is younger and more male than the general civilian population. Surveys following the 2010 General Election indicated that service members and the general civilian population voted at nearly an identical rate, 46% versus 45.5%.

Analyzing data from election officials as reported by the Election Assistance Commission (EAC) can be useful, but also poses many challenges. Because service members can use any one of several avenues to register to vote, it is impossible to know exactly how many active duty service members are registered. Many service members vote by absentee ballot, but do so without using an FPCA, and election officials thus have no way of identifying them as military voters. Others simply vote in-person at their local voting precinct. Both groups would not be included in any sort of tally of military voters collected by State or local election officials and reported to the EAC.

### **Conclusion**

Mr. Chairman, and Members of the subcommittee, thank you for the opportunity to speak with you today about FVAP and the Department's efforts to support military and overseas citizen voters. I firmly believe the voting assistance provided to these groups has never been better. For the 2012 General election, military and overseas citizen voters will benefit from several upgrades to FVAP's assistance service, including:

- Redesigned FPCA and FWAB that eliminate references to notaries and allows for ranked choice of ballots transmission options;
- Updated wizards on FVAP.gov that reflect the 2012 redistricting process and other changes to State election laws;
- Notification emails to all Service members with a .mil email address in January, June, and September 2012, and at 90, 60, and 30 day intervals before the election;
- 81 in-person voter and VAO workshop training sessions at locations around the world, to include an additional 42 webinar trainings;
- 43 installations visits for IVA Office training sessions;
- Broad training and support services to State and local election officials to improve the service that they provide to military and overseas citizen voters;
- A voter education and outreach campaign, utilizing advertisements in publications and on websites of interest to military and overseas citizen voters;
- A call center available to answer questions by phone, email, web chat from voters, VAOs, and election officials; and,
- A mobile website, allowing voters to easily find information on FVAP.gov from their smartphones and tablets.

Through these steps, along with additional email and social media messages to voters and a staff well versed in the absentee voting process, FVAP offers an unprecedented level of service to military and overseas citizen voters covered by UOCAVA. I look forward to your questions.