

# **MILITARY AND OVERSEAS CHALLENGES: A REPORT FROM THE FRONT**

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*Secretaries and FVAP reps en route to Baghdad from Kuwait with deploying troops*

## **MILITARY AND OVERSEAS CHALLENGES: A REPORT FROM THE FRONT**

Men and women in uniform make up an increasingly active voting block. Seventy-three percent (73%) of all military members voted in 2004, compared with fifty-seven (57%) percent in 2000.<sup>1</sup> While the numbers for 2008 are preliminary, military voters were as engaged in last November's historic election as the record number of other American voters were. However, despite the strong desire on the part of our military to participate in the voting process, voting for Americans overseas has never been easy. In 2006, only one third of the one-million absentee ballots requested by military voters and other Americans residing abroad were cast and counted.<sup>1</sup>

Of the roughly 1.3-million active-duty military personnel eligible to vote, approximately 500,000 are deployed overseas. A recent report from the U.S. Election Assistance Commission (EAC) suggests there were significant problems for the military and others who tried to vote while abroad.<sup>1</sup> According to the EAC's survey, nearly one million overseas voters -- including service members, federal employees and other citizens -- requested absentee ballots for the 2006 local, state, and congressional elections. Because they were returned to local election officials as undeliverable, over two-thirds of the ballots were not counted.<sup>1</sup> More than half of the ballots specifically from military overseas voters were not counted, for this reason.

## **SECRETARIES OF STATE VISIT WITH THE TROOPS**

In the Fall of 2008, the Office of the Secretary of Defense selected five Secretaries of State to travel to seven military bases in the Middle East, Asia, and Europe to meet with deployed troops and military voting representatives. Those participating were California Secretary of State Debra Bowen, Florida Secretary of State Kurt Browning, Indiana Secretary of State Todd Rokita, Mississippi Secretary of State Delbert Hosemann, Pennsylvania Secretary of the Commonwealth Pedro Cortés, and Mississippi Deputy Secretary of

State Cory Wilson. The bipartisan trip was the first such contingent of state chief election officials organized by the U.S. Department of Defense. The state election officials' visits were designed to allow the Secretaries to visit with military men and women in the field, to encourage them personally to cast their vote in the 2008 General Election, and to examine and improve the process of military voting. The trip gave the Secretaries the opportunity to tell our nation's heroes, face to face, that their vote is important.

The arduous trip was designed to maximize the six-day travel itinerary. After a briefing in Washington, D.C. on Sunday, September 28, 2008, the Secretaries flew overnight to Kuwait and visited with Voting Assistance Officers (VAOs) and other troops at the Ali Al Salem and Al Arifjan air bases. There, the Secretaries learned about the logistics of delivering ballot materials to deployed troops in the theater and returning those ballots to the United States on a timely basis. As a hub for operations in the region, the Kuwaiti bases reflected the challenges of voting among a military population constantly on the move.

From Kuwait, the Secretaries flew to Baghdad, Iraq on a C-130 with deploying troops and met with VAOs and other deployed troops at Camp Victory and in Al Faw Palace, a former residence of Saddam Hussein. While at Al Faw Palace, the Secretaries also recorded public service announcements (PSAs) to raise awareness among the troops about military voting procedures. Those PSAs, shot on the palace roof overlooking parts of Baghdad, aired in early October on armed services media across the globe.

From Baghdad, the Secretaries traveled north to Joint Base Balad located in the old "Sunni Triangle" via Black Hawk helicopters. The flight afforded the Secretaries a view of the farms and desert stretching from the Tigris River outside the capital city. In Balad, the group witnessed first-hand how forward-deployed troops prepared to cast their votes. The group toured the Balad mail facility (the Military Post Office, or MPO) and learned the procedures employed by military mail handlers to ensure timely delivery and return of ballot materials by troops in the field. Specifically, the MPO gave ballot materials top priority. Ballots were the first on and first off military mail transport, and systems were in place to track total numbers of outbound and returned ballots. At the Balad MPO, the Secretaries walked a ballot through the mail process step-by-step, and

observed the special labeling and handling ballot materials receive from the military postal system.

The Secretaries also toured the combat support hospital at Balad and learned how injured troops are treated and evacuated from the theater for further treatment and recovery. The visit to the hospital was a poignant reminder of the cost of our freedom, including the right to vote.



*Secretary Hosemann recording PSA at Al Faw Palace, Baghdad*





*Secretaries with VAOs, Al Faw Palace, Baghdad*

Next, the Secretaries traveled to Afghanistan. Their first stop was Bagram Air Base, a central hub for the war in Afghanistan in the foothills north of the capital city of Kabul. While at Bagram, the group met with VAOs and other troops and toured the base mail facility. The visits at Bagram highlighted distinctions in the voting process between the theaters in Iraq and Afghanistan. Key differences include the remoteness of our troops in Afghanistan and the relative instability in many parts of that country.

Yet, the manner in which the military handled ballot materials in Afghanistan had marked similarities to Iraq. In Afghanistan, a country with no operational postal service, the military mail terminal in Bagram was state-of-the-art. In fact, the procedures there were identical to those the Secretaries toured at the Balad MPO in Iraq. This implementation of identical postal procedures reassured the Secretaries that ballots are consistently and efficiently handled by the military mail service. The Secretaries were also able to visit and have a meal with the deployed troops from their home states and found the same high level of interest in participating in elections back home.

From Bagram, the group traveled to Kabul, the capital of Afghanistan, and visited VAOs and troops inside Camp Eggers, near the American Embassy. The Secretaries also met with civilian embassy personnel and discussed their issues with overseas voting. While in Kabul, the Secretaries learned of challenges getting ballot materials to Provincial Reconstruction Teams, small groups that are sent to remote locations in the field, and civilians in and outside government service who live largely confined to certain areas of Kabul. Repeatedly, the Secretaries heard that fax machines are practically unavailable, rendering many states' provision for faxed ballot materials of no use to those in the field. By contrast, everyone the Secretaries visited stated a universal preference for greater e-mail and Internet access to voting. Those same troops stated that e-mail access extended even to remote areas of the theater.

The last stop for the delegation was Ramstein Air Base and Landstuhl Regional Medical Center in Germany. There, the Secretaries met with VAOs and troops from their home states, and they visited injured troops recovering at the medical center. While the voting challenges in Germany are not the same as those in Iraq, Kuwait, or Afghanistan, the visit to Ramstein evidenced the mobility of the military. Deployed troops are often on the move, as are the injured. Thus, there are many obstacles that can keep ballot materials from catching up with their intended recipients. Often, troops evacuated from the theater leave with no identification, no belongings, and no “forwarding” address. Deployed troops can be sent to remote places within the theater for fairly short periods of time. In many instances, the Secretaries heard from VAOs and deployed troops reports of ballot materials arriving at old duty stations, only to find the voter already on the next mission. In Germany, as with the other stops on the trip, the Secretaries heard a strong preference for electronic-based voting procedures as a way to speed overseas voting and ensure that ballots are returned and counted.

### GENERAL IMPRESSIONS

The military postal system is well prepared and attuned to voting procedures and timelines. Properly-trained VAOs are in place and demonstrate the military’s commitment to promoting the vote. These officers,

as well as commanding officers and support personnel, are devoted to ensuring the integrity of the election process, and are empowered to prioritize voting by mail. The visits in theater were a great experience because the Secretaries were able to view first-hand the MPOs’ ballot handling procedures.



*Top: Secretary Cortes meeting with wounded soldier at Balad  
Center: Balad Field Hospital  
Bottom: Airfield at Balad*

However, evidence suggests the system of delivering ballots and returning them by mail is archaic compared to the pace of modern military operations. Most troops the Secretaries met indicated mail delivery lags at least seven to twelve days each way between the United States and the Middle East, and even longer for Afghanistan. Mail handling operations have significantly improved over previous election cycles, and the military mail facilities visited in theater were state-of-the-art. Nevertheless, the delay caused by mail delivery of ballot materials effectively leaves many military personnel with insufficient time to vote.<sup>2</sup>



Likewise, reliance on fax machines to speed the voting process, employed at least in part in almost all states, is largely unworkable for deployed troops. In situations such as with Provincial Reconstruction Teams in Afghanistan, voting by fax is impossible as there are no fax machines in the field. While fax is an option available to some overseas voters, even embassy personnel in Kabul highlighted problems with voting by fax. The embassy only had one fax machine which was often in use for official business, and the queue for faxes was often long. Thus, the waiting line to send a ballot by fax was often very long. In general, both civilian and military persons who met with the Secretaries indicated a strong preference for, and almost universal access to, e-mail or Internet based voting procedures.

Almost everyone with whom the group met complained about a complicated elections system that varies significantly between jurisdictions. With only one VAO for every unit with 25 troops or more, many military voters are left on their own to decipher state-by-state procedures, timelines, and deadlines.<sup>3</sup> Moreover, the availability of information on how to navigate the system is often lacking. Military voters indicated they



would like to be able to check their voter registration status online, have access to more information about candidates and their campaigns, and, most critically, know their ballot was received and counted. One officer in Afghanistan noted that deployed military personnel “give up many of the freedoms Americans enjoy when they go overseas to defend those freedoms.” He concluded with the request: “Please don’t let our votes be one of the freedoms we have to lose.”

### CHALLENGES TO MILITARY VOTING

*Secretaries Rokita and Bowen observing mail handling at Military Mail Facility, Bagram, Afghanistan*

U.S. forces in Iraq and Afghanistan speak to their families by web camera and fight insurgents using sophisticated electronic warfare. Yet when it comes to voting, most troops utilize archaic voting technology. As was the case more than 60 years ago during World War II, the voting process depends on a single officer in the field understanding a 466-page voting guide.<sup>3</sup> In addition to his or her primary



responsibilities to the military, VAOs are tasked with knowing the countless specific guidelines for every jurisdiction in the nation and reaching out to every service member under his or her command. Even if a deployed service member learns and understands the jurisdiction's guidelines, the mail system must track down a moving target to deliver the ballot to the correct location. Too often, the system falls short.

In 2006, many service members who wanted to vote never had the opportunity to do so, due to problems with the voting system for overseas military personnel.<sup>1</sup> More specifically, the EAC concluded that out of 992,034 military and overseas absentee ballots requested for the 2006 election, more than 660,000 of these ballots never reached election officials to be counted.<sup>1</sup>

The challenges range from blank ballots being mailed out too late to completed ballots being returned by improper means. There is a patchwork quilt of requirements, deadlines, and procedures for voting. Navigating the myriad state and local election laws is made difficult by a lack of electronic voting alternatives for a fighting force now spread around the globe, often in spots where traditional mail is not as reliable as an Internet connection.<sup>1</sup> All states would benefit from providing their overseas military voters additional time to request and return their ballots.

Military voters, who are constantly on the move, many times find it impossible to obtain ballots and get them back in time to be counted. Some overseas voters, especially those in remote areas or war zones, face almost impossible deadlines. The military postal service recommended those stationed in Afghanistan and Iraq mail their completed ballots no later than September 30, 2008. However, only twenty-four (24) states actually had absentee ballots available by that date.<sup>2</sup> Ballots are often not prepared and ready to be mailed until thirty (30) to forty-five (45) days before an election. Since it can take more than two weeks for troops to obtain ballots by regular mail, they sometimes receive them too late to meet voting deadlines. Differing rules required by each state also complicate the voting process. For example, whether there is a requirement to have a ballot notarized or supported by an affidavit, or even when the ballot is mailed to voters, depends on each state's requirements.

The Federal Voting Assistance Program (FVAP) has recommended to the states legislative changes to simplify and standardize the absentee voting process for uniformed service members living outside the United States. Some of these changes include shortening the process by expanding the use of the Federal Write-in Absentee Ballot as a back-up measure, allowing electronic transmission of election materials, ensuring a forty-five (45) day minimum ballot transit time, and eliminating notarization or witnessing requirements.<sup>4</sup>

Although many questions have been raised about the privacy and security of returning completed ballots by fax or e-mail, as well as adequate access to fax and e-mail, many states



*Secretaries with Voting Assistance Officers in Kabul*

could improve their process by sending blank ballots to military voters electronically. Every service man and woman the Secretaries asked at every location they visited stated they would be willing to give up a degree of privacy in order to facilitate voting. FVAP encourages all states to move to a fully electronic process.

States who send a blank ballot by e-mail include Colorado, Delaware, Florida, Illinois, Indiana, Mississippi, Montana, North Dakota, Oregon, Pennsylvania, South Carolina, Virginia, Washington and Wisconsin. However, in some states, such as Illinois and Pennsylvania, only certain voting districts participate in the e-mail balloting. States where voters can return completed ballots by e-mail include Colorado, Indiana, Mississippi, Montana, North Dakota, South Carolina and Washington.<sup>5</sup>

While e-mail voting continues to be a hotly debated topic among state election officials, faxing is now broadly accepted as a way of getting ballots to overseas voters. In as many as two dozen states, voters who sign a form waiving their right to privacy can return ballots by fax. Those options, however, are not always workable for U.S. troops serving in widely-scattered forward operating bases in Iraq or Afghanistan. Many deployed troops have e-mail but no fax capabilities, so allowing the use of e-mail can be crucial if they are to vote. According to a 2007 Defense Manpower Data Center study, only seventeen percent (17%) of active-duty members reported having no access to their personal e-mail.<sup>1</sup>

## **SUGGESTIONS TO IMPROVE MILITARY VOTING**

Amid consistent threats of attack and serious security tasks maintained by the troops, some may think voting would be an afterthought for them. The Secretaries traveling in theater were pleased to witness just the opposite. Our troops are tuned in to the electoral races at Many are eager to vote and are pleased with the efforts of their commanding officers and voting assistants to help them cast their ballots.

As a result of the briefings with overseas military personnel, the Secretaries who attended the trip are proposing reforms to the military voting process. For example, Florida is recommending to its Legislature changes be made to its election code to better accommodate the transmission of balloting materials to and from these troops. These recommendations include: (1) a requirement for the local elections official to capture the e-mail address of the military personnel at the time the request for the absentee ballot is received; (2) a requirement that the local elections official confirm via e-mail the absentee request has been received and inform the voter the estimated date the ballot will be sent to the voter; (3) a requirement for the local election official to notify the voter via e-mail their voted absentee ballot was received; and (4) allowing the transmission of balloting materials via e-mail, both outgoing and incoming. Other significant legislative efforts are underway in some states as well; Alabama election officials have recently proposed sweeping changes to military voting procedures patterned in part after pilot programs in Florida.<sup>6</sup>

The Secretaries traveling overseas were tasked with developing this report of observations and recommendations to better our states' policies and procedures for military voting. Mississippi Secretary of State Delbert Hosemann and his Deputy Secretary of State, Cory Wilson, were responsible for pulling this report together, though the content of the report is the result of the collaboration of the Secretaries as a group.

While some noted experiments with innovative voting procedures during the 2008 cycle were





*Secretaries with Voting Assistance Officers in Germany*

introduced, the options to improve military voting are fairly straightforward. The key considerations in developing improved procedures are not unlike those in regular voting: cost, timely delivery of ballot materials, voter authentication, ballot security, and processing and handling of voted ballots. Depending on the methods employed by states, each of these considerations will be harder or easier to address in a “sliding scale” relationship to one another. As a snapshot of where jurisdictions currently fall, FVAP reports that:

- 51 states and territories allow delivery of the Federal Postcard Application by fax
- 23 allow delivery of the Federal Postcard Application by e-mail
- 38 allow delivery of blank ballots by fax
- 21 allow delivery of blank ballots by e-mail
- 26 allow return of voted ballots by fax
- 11 states and territories allow return of voted ballots by e-mail<sup>7</sup>

Some basic considerations based on the Secretaries’ visits are briefly noted below with regard to each principal option for military voting.

### Mail

Absentee balloting by mail is the most familiar and established method of voting used by all absentee voters whether domestic or overseas, civilian or military. For decades, our states’ absentee balloting process has been designed around delivery and return of ballot materials by mail. In the theater, VAOs seem well aware of mail procedures, and MPOs have implemented procedures to facilitate timely delivery and return of ballot materials. During the visit to the theater, the Secretaries observed many positive safeguards which address some of the challenges presented by a mobile military voting population. Still, any state that restricts military voting to the mail system must examine its deadlines for ballot finalization, printing, and availability, as well as other requirements such as application forms, notarization, and witnessing of ballots. According to the recent Pew Center on the States study, states’ voting processes took on average twenty-nine (29) days to complete.<sup>2</sup> Many states’ timelines for preparation of ballots do not afford enough time to complete the process. States that rely on military mail for voting should be aware that for deployed troops, Election Day effectively

occurs one month *before* the first Tuesday in November. Meaning, a number of states must establish earlier candidate qualification deadlines and finalize ballots in a more timely fashion. States must also evaluate the delivery methods they allow (*i.e.*, express or overnight) and make an outdated process less complicated.

## Fax

Most jurisdictions have embraced the use of fax machines to speed delivery and return of ballot materials. While faxed ballots speed the process significantly over traditional mail, the group's observations in-theater suggest faxing is a solution more in theory than in reality. The Secretaries heard repeatedly that fax machines are simply unavailable in both urban and remote areas, particularly in Afghanistan.

## E-mail

Clearly, e-mail balloting is a solution of choice for the deployed troops who met with the Secretaries in Kuwait, Iraq, Afghanistan, and Germany. Most troops stated they almost always had access to their e-mail accounts, and e-mail presents a very user-friendly way to vote. In addition, e-mail voting is a low-cost alternative to deliver and return ballot materials. None of the military or civilian personnel present during the Secretaries' trip expressed any misgivings about someone in a Secretary of State's Office or in a local courthouse knowing how he or she voted. By contrast, all of the people who met with the Secretaries wanted assurance their votes *counted*.

While e-mail voting is user-friendly and provides an easy trail to confirm votes arrived and were counted, the greatest concern with e-mail voting is security. Currently, the states that allow e-mail voting for military voters face challenges with voter authentication and ballot security. Of the states represented on the overseas trip, Indiana and Mississippi currently allow military e-mail voting. Indiana's military voters must apply to vote by e-mail; however, the vote cannot simply be returned by e-mail if the voter did not originally request to vote in that manner. Indiana's military voters (as with those from other states) sometimes have problems scanning ballots into a .pdf format in order to attach and e-mail the ballot - this occurs when troops are serving in remote locations.

Another concern is county election officials' comfort with newer technologies. To address this concern, Indiana uses the FVAP's ETS service as a "middle-man" for the state's e-mail voting. This allows UOCAVA voters<sup>8</sup> and county election officials to use the technology mediums with which they are most comfortable (e-mails can be converted to fax and vice versa depending on the preference of the sender/receiver).

While certain safeguards exist for military e-mail (*i.e.*, a .mil e-mail address, commanding officers as witnesses, etc.), allowing military personnel to vote by e-mail while not permitting overseas civilians to do the same may present legal issues. This issue may be addressed by requiring civilian (and military) voters to transmit a signed voter's certificate and a second certificate signed by the voter waiving their privacy. Those

signatures could then be compared against the signature on the voter's registration record. Florida has proposed such a process in order to verify the originating voter.

### Internet based voting

Like e-mail, Internet voting was a frequently expressed preference of the military voters who met with the Secretaries. Secure Internet voting would combine the ease of e-mail with greater security, voter authentication, and ballot handling. Deployed military personnel are accustomed to logging on to websites to handle many of their affairs back home. Similarly, the ability to vote in a similar fashion would be a natural fit for them.

The chief drawback of secure Internet voting is the cost. Another limitation in many jurisdictions is technological capacity to connect and receive balloting materials in this manner. In Okaloosa County, Florida, in the 2008 cycle, Operation BRAVO Foundation worked with local elections officials to test a pilot program for overseas Internet voting.<sup>9</sup> Okaloosa County set up voting kiosks in London, Japan, and Germany near military facilities. The county sent two registered poll workers to each site for two weeks to manage the polls for military voters, their dependents, and other overseas Okaloosa County voters. The effort generated a total of 93 voters. None of these locations were of use to troops deployed in-theater, however, and the cost of the Okaloosa County pilot program would greatly exceed the budgets of most jurisdictions.

In another example of Internet voting, the state of Arizona allows overseas voters to upload ballots to a secure system that connects directly with Arizona counties. Approximately fifteen-hundred (1,500) people used the system in the fall of 2008, with one-thousand sixty (1,060) voters authorized to upload their ballots. In another example, Democrats in 2008 allowed "Democrats Abroad" to cast ballots for delegates to the 2008 Democratic National Convention. While over 20,000 votes were cast via the website, there were significant issues surrounding ballot security and voter authentication. These limited experiments demonstrate that a safe, secure, and cost effective system of Internet voting is far from perfected at this time.



## NOTES

<sup>1</sup>Press Release, U.S. Elections Assistance Commission, EAC Releases 2006 Military and Overseas Citizens Absentee Voting Report (Sept. 24, 2007) at <http://www.eac.gov/News/press/docs/eac-releases-2006-military-and-overseas-citizens-voting-report/>.

<sup>2</sup>Press Release, The Pew Center on the States, “No Time To Vote” for Many Military Personnel Overseas, Pew Study Finds (Jan. 9, 2009) at [http://www.pewtrusts.org/news\\_room\\_detail.aspx?id=47924](http://www.pewtrusts.org/news_room_detail.aspx?id=47924).

<sup>3</sup>United States Army Pacific, USARPAC Voting Action Plan at <http://www.usarpac.army.mil/docs/vote-ActPlan08-9.pdf> (last visited Jan. 13, 2009).

<sup>4</sup>Federal Voting Assistance Program, State Legislative Initiatives at <http://www.fvap.gov/reference/laws/state-initiatives/index.html> (last visited Jan. 13, 2009).

<sup>5</sup>USA Today, Few states allow overseas troops to vote by e-mail at [http://www.usatoday.com/news/politics/2008-04-27-694670465\\_x.htm](http://www.usatoday.com/news/politics/2008-04-27-694670465_x.htm) (last visited Jan. 9, 2009).

<sup>6</sup>Montgomery Advertiser, Task force sends military voting bill to House at <http://montgomeryadvertiser.com/article/20090130/NEWS02/901300308/1009> (last visited Jan. 30, 2009).

<sup>7</sup>Federal Voting Assistance Program, Election Official News, States Use Electronic Alternatives in 2008! at <http://www.fvap.gov/resources/media/eonfeb09.pdf> (last visited Jan. 13, 2009).

<sup>8</sup>Indiana permits all its UOCAVA voters to vote via email. The state uses the ETS service offered by FVAP for all voters since it is available to all U.S. citizens. However, unlike most military voters, civilian overseas voters have more access to fax machines, reducing the need or desire to use Indiana’s email system.

<sup>9</sup>Stars and Stripes, Giving overseas voters a direct connection at <http://www.stripes.com/article.asp?section=104&article=50214> (last visited Jan. 12, 2009).