

Conference Report

Facilitating UOCAVA Voting Conference

Monday, September 24, 2007

**First Floor Conference Room
University of California, Washington Center
1608 Rhode Island Ave. NW
Washington, DC 20036**

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Conference Agenda

8:00 – 8:30: Continental Breakfast Buffet

Welcome, Introduction and Presentation of Research Findings

- **Time:** 8:30 – 9:10

Speaker: Donetta Davidson, Chair, U.S. Election Assistance Commission

- Opening Remarks and Welcome

Speakers: Karin Mac Donald and Bruce E. Cain, Q² Data & Research LLC

- **Topic:** Presentation of findings from the UOCAVA Voter Survey and Case Studies

Speaker: Kimball W. Brace, President, Election Data Services Inc.

- **Topic:** Presentation of key findings of EAC UOCAVA Report

Working Session 1 - State Laws and UOCAVA Voting

- **Time:** 9:10 - 10:45 AM
- Facilitated discussion with primary involvement of state election officials
- **Facilitator:** Leslie Reynolds, Executive Director, National Association of Secretaries Of State
- **Session Objective:** Participants will determine what types of state laws are needed to move forward with better facilitation of UOCAVA voting, through technology and other means.

Break 10:45-11:00

Working Session 2 - Local Implementation of UOCAVA: Successes and Challenges

- **Time:** 11:00 AM - 12:30 PM
- Facilitated discussion with primary involvement of local election officials
- **Facilitator:** Ann McGeehan, Director of Elections, Office of the Secretary of State, State of Texas
- **Session Objective:** Participants will identify primarily non-technical implementation issues related to UOCAVA voting, practices that work, and resources needed.

Break 12:30- 1:00 (opportunity for guests to obtain lunch off-site; participants can begin served lunch)

Conference Agenda (cont.)

Luncheon Session

- **Time:** 1:00 - 1:45 PM
- **Speaker:** TBA

Working Session 3 - UOCAVA and Technology: the overall picture

- **Time:** 2:00 - 3:30 PM
- Facilitation discussion with primary involvement of technologists and consultants
- **Facilitator:** Mark Skall, Chief of the Software Diagnostics and Conformance Testing Division (SDCT), National Institute of Standards and Technology
- **Session Objective:** Participants will discuss technology, security, and authentication issues and current viable solutions.

Break: 3:30-3:45

Working Session 4 - Technology: implementation details at the state and local level

- **Time** 3:45 - 5:15 PM
- Facilitated technology discussion with staff from state and local jurisdictions
- **Facilitator:** Doug Chapin, Director, electionline.org
- **Session Objective:** Participants will discuss challenges and resource needs with respect to applying technology to UOCAVA voting processes, especially implementation of electronic transmission of voting materials (registrations, ballot requests, blank and voted ballots).

Concluding Remarks

- **Time:** 5:15 - 5:45 PM
- **Speakers:** Bruce E. Cain/Q² and Donetta Davidson/EAC

5:45 - 6:30 Informal wrap-up

Participant List

Adam D. Ambrogi, Counsel, Committee on Rules and Administration, U.S. Senate

Brian Baysinger, Advisory Board Member, Overseas Vote Foundation

Gineen Bresso Beach, Director of Legislative Operations and Counsel, Committee on House Administration, Republican Office, U.S. House of Representatives

John Bodin, Managing Partner, Election Trust

Marilyn W. Bowers, Executive Director, Board of Elections & Voter Registration, Charleston County, South Carolina

Kimball W. Brace, President, Election Data Services Inc.

Pauline (Polli) K. Brunelli, Director, Federal Voting Assistance Program

Doug Chapin, Director, Electionline.org

Beth Chapman, Secretary of State, State of Alabama

Mike Coffman, Secretary of State, State of Colorado

Donetta Davidson, Chair, U.S. Election Assistance Commission

Samantha Duncan, Elections Program Specialist, Certification & Training Program, Office of the Secretary of State, State of Washington

Joni Ernst, Auditor and Commissioner of Elections, Montgomery County, Iowa

David Franks, HAVA & OCVR Manager, Office of the Secretary of State, State of Oregon

Lance F. Gough, Executive Director, Board of Election Commissioners, City of Chicago, Illinois

Thomas Hicks, Senior Elections Counsel, Committee on House Administration, U.S. House of Representatives

Gracia Hillman, Commissioner, U.S. Election Assistance Commission

Juliet Hodgkins, General Counsel, U.S. Election Assistance Commission

Tim Humphries, General Counsel, Office of the Secretary of State, State of Arkansas

Participant List (cont.)

Caroline Hunter, Commissioner, U.S. Election Assistance Commission

Tim Hurst, Chief Deputy, Office of the Secretary of State, State of Idaho

Mickie Kawai, Elections Manager, Washington County, Oregon

Jeannie Layson, Communications Director, U.S. Election Assistance Commission

Doug Lewis, Executive Director, The Election Center

Paul A. Lux, Assistant Supervisor of Elections, Okaloosa County, Florida

Karen Lynn-Dyson, Research Director, U.S. Election Assistance Commission

Ann McGeehan, Director of Elections, Office of the Secretary of State, State of Texas

Alan Miller, Elections Specialist, Elections Bureau, Office of the Secretary of State, State of Montana

Barbara (Bobbie) Payne, Office Services Coordinator, Absentee Department, Montgomery County, Maryland

Robert A. Pennisi, Chief Deputy Registrar of Voters for Voter Services, San Diego County, California

Matthew Peterson, Chief Republican Counsel, Committee on Rules and Administration, U.S. Senate

Leslie D. Reynolds, Executive Director, National Association of Secretaries of State

Rosemary Rodriguez, Commissioner, U.S. Election Assistance Commission

Donna Royson, Deputy Executive Director, State Election Commission, State of South Carolina

Doug Sanderson, Secretary, County Election Board, Oklahoma County, Oklahoma

Alan T. Sherman, Associate Professor of Computer Science, Department of Computer Science and Electrical Engineering, University of Maryland, Baltimore County (UMBC) and Member, National Center for the Study of Elections (NCSE)

Howard G. Sholl, Jr., Deputy Administrative Director, Department of Elections, New Castle County, Delaware

Participant List (cont.)

Mark W. Skall, Chief, Software Diagnostics and Conformance Testing Division (SDCT), Information Technology Laboratory, National Institute of Standards and Technology

Rachel Smith, Director of Elections, Anoka County, Minnesota

Lori Steele, Chief Executive Officer, Everyone Counts Inc.

Tim Storey, Senior Fellow, Legislative Management Program, National Conference of State Legislatures

John P. Wack, Manager, Voluntary Voting System Guidelines, National Institute of Standards and Technology

Rebecca J. Wertz, Deputy Chief, Voting Section, Civil Rights Division, U.S. Department of Justice

J. Scott Wiedmann, Deputy Director, Federal Voting Assistance Program

Thomas R. Wilkey, Executive Director, U.S. Election Assistance Commission

Vickie R. Williams, Uniformed and Overseas Citizen Absentee Voting Act Coordinator, State of Virginia

Patricia A. Wolfe, Elections Administrator, Office of the Secretary of State, State of Ohio

Samuel F. Wright, Director, Military Voting Rights Project, National Defense Committee and Captain, JAG Corps, U.S. Navy (Retired)

Vickie M. Zeier, County Clerk & Recorder/Treasurer, Missoula County, Montana

Working Sessions

Working Session 1 - State Laws and UOCAVA Voting

- **Facilitator:** Leslie Reynolds, Executive Director, National Association of Secretaries of State
- **Session Objective:** Participants will determine what types of state laws are needed to move forward with better facilitation of UOCAVA voting, through technology and other means.

Facilitator Leslie Reynolds asked the following question of two state-level election officials: “What laws have been enacted in your state to facilitate UOCAVA voting and what do you recommend to election administrators in other states who are seeking to enact similar laws?”

Donna Royson, Deputy Executive Director of the South Carolina State Election Commission, addressed the question by explaining that South Carolina allows electronic transmission of balloting materials (faxing and emailing) for all UOCAVA voters, including military voters stationed out of state but still in the U.S. The state also has a special write-in ballot available 90 days prior to the election for UOCAVA voters to write in their candidate choices for each office up for election. They also have an instant runoff ballot for primaries, which UOCAVA voters receive along with the primary ballot, and use to rank their choices in event of a runoff. The primary runoffs are conducted two weeks after the primary and therefore it was previously almost impossible for UOCAVA voters to vote regular ballots in the runoffs.

In terms of recommendations for other states, Ms. Royson stated that the South Carolina State Election Commission staff has succeeded with their legislature using the ‘nibble approach’ in which they just keep going back to the legislature every chance they get to improve UOCAVA voting. The Commission’s various Executive Directors have had a lot of vision and lead the effort to get these laws passed. It has also helped to find a high-ranking member of the legislature who has served in the military to sponsor and champion the legislation. In the 1990’s after the Gulf War, the Commission suggested adding the language ‘electronic transmission’ to the law, in anticipation of technology that might emerge. This language did not alarm legislators like ‘fax a ballot’ might have. The Commission also tries to put into legislation that state or local election officials can promulgate regulations and develop procedures to avoid having to come back to the legislature for minute issues. Finally, the threat of a lawsuit from the Department of Justice over the inability of UOCAVA voters to vote in primary runoffs forced the legislature to enact the instant runoff ballot provision.

Alan Miller, Elections Specialist at the Montana Office of the Secretary of State, explained that Montana has enacted similar laws to South Carolina’s, in particular those that allow counties to offer voting by fax and email to UOCAVA voters. The state has a constitutional provision giving special consideration to service people and veterans, and

this has resulted in many helpful laws. They established the use of the federal write-in ballot (FWAB) for members of the military in the 1980's, and later expanded use of this ballot to all UOCAVA voters. Additional legislative changes allowed the FWAB to be used for state and local offices, and to be accepted up to six days after Election Day. In their last session, the legislature passed a law allowing a person with power of attorney to request an absentee ballot on behalf of an absent military elector.

Mr. Miller further explained that the Secretary of State's Office has succeeded with their legislature also by nibbling at them (see South Carolina discussion above) and by finding bill sponsors with military experience. Since the Secretary of State is a partisan office, they also try to find a cosponsor from the other party, and they make sure that legislative leaders from all parties are on board. The Office tries to draft bills that are acceptable to the highest number of legislators without unnecessarily diluting the positive effects. Like South Carolina, Montana's chief election administrator's office is also working to have rule making capacity written into the legislation.

Ms. Reynolds then posed a question to Vickie R. Williams, Uniformed and Overseas Citizen Absentee Voting Act Coordinator for the Virginia State Board of Elections: "What is the status of state laws in your state affecting UOCAVA voting and what is your objective in that area?"

Ms. Williams answered that Virginia has enacted quite a few laws in recent years to support UOCAVA voting, and is working to do more. In particular, Virginia allows UOCAVA voters to vote in all elections, not just federal elections. Virginia also allows UOCAVA voters that are overseas in dangerous situations, to use an 'early ballot' for voting in the gubernatorial election. The state allows faxing and emailing of blank ballots to voters, but the legislature is not comfortable yet with allowing the emailing of voted ballots. The state also allows the FWAB to be used as an absentee ballot application, but as yet is not using the FWAB as a registration form. The State Board of Elections is a resource for the legislature, local election officials, and community groups on interpreting and explaining the state's dense and complex election laws. The Board works closely with the legislature, analyses proposed legislation, and provides relevant history and facts. The Board supports a position of UOCAVA Coordinator, who provides this resource with respect to UOCAVA-related laws. When the Coordinator educates groups about the laws, these groups are often encouraged to put forth legislation. The Coordinator also works closely with local election officials to assist them in implementing new laws, which often requires changes in procedures that have been in place for 20-30 years. Because the Coordinator cannot enforce implementation of UOCAVA laws, open communication and collaboration with local election officials is critical.

After the presentations, a discussion among all conference participants raised the following key issues and challenges:

- Military voters move constantly and thus are 'moving targets' in terms of determining where to send their ballots. Enormous numbers of ballots are

returned as ‘undeliverable’ because of bad addresses and the two federal election cycle rule.

- Security and authentication with respect to the electronic transmission of voted ballots, and in some states blank ballots, is a concern of legislators and local election officials. Some local election officials are uncomfortable with a plain paper ballot produced from faxing or emailing because they are used to paper ballots that have a watermark and are serialized. Some legislators are also concerned with the electronic transmission of blank ballots even though pilot programs have had no problems, and local election officials assure them that for each ballot sent only one can be counted (i.e. duplicated blank ballots cannot be voted and counted). One state election official asked: “Why do legislatures have such a concern about security when we have procedures for verification we already follow for regular absentee ballots, and in our state we even allow returned absentee ballots that aren’t the official ballot?” Faxed voted ballots can be looked at (compromising secrecy) but not stopped and/or altered; whereas emailed ballots can sit for days on a server and can be intercepted and altered. There is a tradeoff between total ballot security and getting the ballot counted. One participant noted that ballots cannot be treated like other items (e.g. tax forms) that are transferred electronically, because those items are overtly tied to a name and ballots are supposed to be secret. Another participant stated that other countries have been doing electronic transmission/internet voting for eight years and the U.S. is just unfamiliar with it, but the security is available and can be held to a high standard as it is with paper ballots.
- Duplicating electronically transmitted ballots for optical scanning takes time. In Virginia ballots that are emailed to the voter have to be hand counted when they come back.
- Candidate filing deadlines are late and make it hard to mail UOCAVA ballots in time. There are problems all over the country getting ballots from ballot vendors in time to mail out. One local election official says it is hard to meet the 45-day requirement to get ballots out to voters, and they can barely meet a 30-day deadline; last time this was because of a problem getting the ballots from the ballot vendor.
- Some states require that the ballot be notarized, and some states require a witness for signing the ballot affidavit.

During the discussion the following current and best practices were identified:

- Local jurisdictions send letters to last known addresses to verify addresses.
- A state system tracks where absentee ballots are sent so that if a military voter returns home can he/she can vote on Election Day.
- A state election office works with USPS to expedite military ballots for federal elections.
- Local jurisdictions email the list of candidates 30 days before the election to all overseas voters with email addresses, so that whichever ballot these voters use they know who the candidates are.
- The sending of sample ballots is automated in the state database.

- A local election office isolates fax machines and faxed ballots, and carefully checks faxed oaths with signatures to validate ballots.
- Communicating by email and mail with voters helps to spread the word about how to vote among people working together in overseas companies or locations.
- Even with the waiver of the right to a secret ballot, the following is done to ensure secrecy: faxed or emailed ballots are sent to specific numbers or email addresses, and after printing the ballots those emails are deleted. These ballots are put in envelopes associated with the voters until Election Day when they are separated from the envelopes and counted and are no longer associated with the voters. One local election official receives faxed and emailed ballots on her computer, so she is the only one who could see how a voter voted. She checks the signature on the waiver without looking at the ballot, and then prints the ballot without the waiver, and the printed ballot goes to a duplicating board without a name attached.
- One state creates a ballot in Word format to which they can quickly add candidates that file at the last minute and then immediately send this ballot to UOCAVA voters, rather than send the information to a ballot vendor first. This ballot is then duplicated to an optical scan ballot when returned.
- A county election office works with the county mail service, local postmaster, main post office and military post officers to get ballots out at least 45 days before the election. The military postal service tells this county that they prefer 50 days to get mail to Iraq and Afghanistan.
- If a state accepts a faxed voted ballot, it helps if it accepts ballots that are emailed to a fax machine, because in parts of Iraq there are no fax machines.
- One jurisdiction accepts the date the voter signed the affidavit rather than the postmark.

Participants made the following recommendations for effective strategies regarding the topics explored in this session, for promoting the use of electronic transmission and UOCAVA voting:

- States should rewrite the secret ballot waiver to explain that voters must waive their privacy because the election official cannot help seeing the electronically transmitted ballot, but at the same time the election official is obligated to not share the vote choices with others. This is the same situation as assisting a voter in the voting booth with the marking of the ballot.
- Election officials should pursue a state law that, if ballots are returned as undeliverable, local election officials do not have to keep sending election materials to the same addresses for four years.
- States would benefit from federal funds to automate tracking and validating addresses for UOCAVA voters, including identifying those who register with overseas and military addresses but by some form other than the FPCA.
- Federal legislation could support more uniform and more expansive electronic transmission practices across the states.

- State and local election officials pursuing legislation should have military voters testify before their legislature and tell their personal stories about not being able to vote.
- Election officials should use the resources of NASS and NCSL to see what states allow and what legislation is proposed. Also, FVAP is a resource to help with getting state legislation passed. FVAP's resources include sending legislative packets out each year, providing wording of legislation that has passed, and providing written and/or in-person testimony.

Working Session 2 - Local Implementation of UOCAVA: Successes and Challenges

- **Facilitator:** Ann McGeehan, Director of Elections, Office of the Secretary of State, State of Texas
- **Session Objective:** Participants will identify primarily non-technical implementation issues related to UOCAVA voting, practices that work, and resources needed.

Ms. McGeehan asked the following question of three local election officials: "What do you think are the major issues with facilitating UOCAVA voting at the local level and what practices do you find successful or would you like to see implemented?"

Joni Ernst, County Auditor and Commissioner of Elections for Montgomery County, Iowa, responded that the two major issues are the undeliverable ballots to bad addresses and the length of time to get mail delivered overseas, especially to combat zones. Across the state the counties are frustrated with sending ballots, requested through FPCAs, to the same address for four years and getting most of them back, and it would help to get that timeframe shortened. Mail to combat zones takes a long time because of slow procedures like huge mail trucks not being moved until filled, and mail only being delivered every few weeks to remote locations. Electronic transmission is critical to stem this problem of late delivered ballots, and Iowa had an initiative for that in 2006 and hopefully will make it law someday. Federal law allowing electronic transmission with broad guidelines for states to follow would be ideal and help to standardize the process across the country.

Howard G. Sholl, Jr., Deputy Administrative Director of the Department of Elections, New Castle County, Delaware, responded next that leadership and constant oversight in the local jurisdiction is important so that election staff give priority to UOCAVA voters, immediately process their applications, follow up on undeliverable ballots, and get UOCAVA voting issues resolved. It is also important to communicate among jurisdictions in the state and to communicate with the voters. This county asks UOCAVA voters for their email addresses so voting issues can be quickly resolved, does pre-mailing before the election to correct addresses, and includes newsletters with the pre-mailing and the ballots. They also keep in touch with the postal service and FVAP, and carefully examine and correct military and overseas addresses provided by voters. The voters often format or write the address in a way that they will not receive their mail such as 'Iraq' below a military address (which routes it into the domestic Iraq mail

system), or make a foreign address look like a U.S. one. The staff in this county is trained on how military addresses should look, and they have a guide to addresses in different foreign countries. They also use tools available on the USPS, royal mail system and Canadian mail system websites. Recently this jurisdiction had state election officials meet with FVAP and voting assistance officers (VAOs) at a local Air Force Base, so that state election officials could learn what FVAP is telling the VAOs. Mr. Sholl thought initially that the two general election cycle requirement for sending ballots was a bad idea, but then he found that in fact the turnout for the midterm election went up because they mailed ballots to people who normally wouldn't request midterm ballots.

Rachel Smith, Director of Elections for Anoka County, Minnesota, responded that her staff struggle with the fact that UOCAVA voters need an enormous amount of time and effort just at the busiest point of the election cycle. An ideal solution to take pressure off staff would be a web-based program that UOCAVA voters could walk themselves through to determine how to classify themselves and what they need to do to get a ballot and vote. The state allows emailing of a scanned FPCA only, but the current Secretary of State is pushing for emailing of ballots as well. This county is fortunate to do their own ballot programming so they can get paper ballots out to UOCAVA voters as soon as candidate filings close and do not have to wait for vendors to print ballots. They have one person dedicated to following up on undeliverable mail, by contacting family members or however they can find the latest address. With respect to the two federal election cycle requirement, there is also the problem of voters expecting to keep getting their ballot after the two cycles, and this county sent letters to them telling them they need to renew their applications. Ms. Smith would like to see a better standard for categorizing UOCAVA voters when the application is processed to avoid having to go back to audit the application later and to improve the data collected for the state and the EAC.

After the presentations, a discussion among all conference participants raised the following key issues and challenges:

- There was continued discussion of the issue raised in Session 1 that enormous numbers of ballots are returned as 'undeliverable' because of bad addresses and the two federal election cycle rule.
- The state and federal level do not understand what the local level does.
- It is nearly impossible in large jurisdictions to remake all non-standard ballots on Election Day if that is required by state.
- Helping the National Guard is a special challenge because they are not UOCAVA until they are activated, so when they are activated they don't know the UOCAVA voting process. Virginia is piloting a web tutorial just for National Guard members.

During the discussion the following current and best practices were identified:

- Local officials can have state officials be poll workers to teach the state officials what they are asking locals to do.
- Local officials should partner with FVAP to get information disseminated and should adapt FVAP training to their state. Local officials should use resources

from FVAP including materials on their website, assistance by trained VAOs, and consulting and visits by FVAP staff.

- State officials should hold regional training workshops throughout the state to make sure that all jurisdictions follow the same processes and have the same understanding of the law. Representatives from local jurisdictions should work together to develop a manual to be used across the state so that all jurisdictions follow the same procedures.
- Local officials should enclose a notice with ballots that explains that U.S. mail, military mail, or dropping off the ballot at the embassy is postage paid, but putting ballots in an international mail system will require postage.
- To market UOCAVA information, state election officials should join and speak to all kinds of different organizations (military-oriented as well as others like Target or Wal-Mart) so the word gets out to people who may become UOCAVA voters in the future. Local election officials in contact with military bases can do briefings just prior to deployment so that soldiers know what the voting options are when they get overseas.
- If possible local officials should treat non-FPCA change of address forms as ballot requests. Florida allows counties to run a National Change of Address (NCOA) certification on the address list when the required 'notice of election' is mailed. Voters should be encouraged to submit a change of address to election officials just like they would for anything else. Units have a paperwork folder they leave before being deployed, so local officials can request that this folder include a change of address form. Local officials should encourage voters to give relatively permanent email addresses and/or alternative mailing addresses. Local officials should maintain a spreadsheet to keep track of UOCAVA voters and to record the results of pre-mailing to validate addresses. One state has a website that allows voters to change addresses online, and that information is forwarded to the counties. Online registration might also help voters keep their information updated. Some states have voter registration verification websites where voters can determine if their FPCAs were received, whether they are registered, and in some cases can update their information.
- Local officials should send notes to voters (with voting materials) explaining the elections for which they will continue to get ballots. If their state allows it, local officials should accept each communication from voters as a new request and start the clock over with respect to the FPCA expiration.
- Overseas Vote Foundation has a web portal with state by state information for voters and a module to be offered to states at minimum cost to streamline information flow to voters.

Participants made the following recommendations for effective strategies regarding the topics explored in this session, for promoting the use of electronic transmission and UOCAVA voting:

- The federal and state levels should communicate with the local level. Local officials should use the forthcoming EAC Management Guidelines and Quick Start brochure for UOCAVA voting issues.

- Other states should join Illinois in having 14 days to receive and process absentee ballots to help out overseas voters and local jurisdictions which must duplicate thousands of absentee ballots. Local jurisdictions should have up to six days before the election to start processing the thousands of absentee ballots.
- There should be federal legislation to provide guidance, rather than each state experimenting on its own. For example, a federal law authorizing the use of the FWAB for elections other than federal general elections would be better than each state having to amend their law to allow this. A national standard would help military voters in combat so that VAOs do not have to sift through 50 different state laws, and soldiers serving together get the same opportunity to vote regardless of their home state. States must work with the EAC to develop national guidelines, rather than federal law being imposed or guidelines being developed at the federal level only. States must collaborate and share information to serve UOCAVA voters, or consult the FVAP guide, so that each state can help UOCAVA voters from other states.
- Local officials must make sure voters know they can chose on the FPCA to opt out of continuing to receive their ballots ‘the same way’ for two federal election cycles.

Working Session 3 - UOCAVA and Technology: the overall picture

- **Facilitator:** Mark Skall, Chief of the Software Diagnostics and Conformance Testing Division (SDCT), National Institute of Standards and Technology
- **Session Objective:** Participants will discuss technology, security, and authentication issues and current viable solutions.

Facilitator Mark Skall posed the first question to Professor Alan Sherman: “What should the security requirements be for military and overseas voting?”

Prof. Sherman explained that voting systems should have end-to-end security, meaning that a voter can verify that the vote was correctly recorded and tabulated. There are no systems in use at this time with this capability. However, the technology is there to provide systems with better integrity and privacy. Such systems would involve a public website on which a voter can check an encrypted form of the ballot to make sure that it was posted correctly, and on which any interested party could verify that the tallies were properly computed.

While the technology is available in the research community, and the “punch scan” system has won first place in a competition, the technology is not yet ready to go commercial at this point, but it might be ready in two to four years if a company made a serious effort to produce such products. There are frustrating delays in going from the research lab to a commercial product. There should be more funding at the federal level to develop such technology, and the free market should be encouraged to help turn ideas into products.

The second question from Mark Skall was directed to his colleague John Wack of NIST (National Institute of Standards and Technology), to whom he asked what the TDGC (Technical Guidelines Development Committee) position is on the availability of technology to handle security issues.

Mr. Wack responded that the TDGC report that was posted on the EAC's website does not address internet based voting much, but rather deals with basic standards, requirements and testing. There are two major issues in overseas and military voting, one involves speeding up the registration process which is largely an organizational issue, and that is being worked on and improved. The second issue of internet based voting is much more difficult for two reasons, one being the protocol itself and the second being general internet security, i.e. trusting that the infrastructure is going to work. The approach should be to fund pilot projects, but the registration issues should be resolved before moving on to the voting side. IT security people tend to think that pilots will become practice so they want to make sure the pilots are done correctly, which involves many issues including establishing that the ballot came from a registered voter in addition to the security aspects. Pilots should be done in collaboration with IT experts and people on the county levels. Mr. Wack agrees with Prof. Sherman that it would take a project about two years from pilot to product stage, if sufficient research funding were directed to it.

Mr. Bodin, managing partner of Election Trust, answered the final question of the session: As a technology vendor, what are you doing to overcome some of the security and authentication issues in military and overseas voting?

He agreed that universally verifiable elections are the goal. For overseas and military voting, pilots with local election officials in real world environments will produce valuable information and the next steps required. One example is a pilot project in Okaloosa County, Florida, which will have up to 900 military voters overseas in three locations cast ballots over the internet in the presidential election of 2008. Authentication will be provided by deputized poll workers from the county that will be opening up three early voting sites. They will be able to access online voter registration for real time verification of the voter. Voting machines in forms of kiosks will boot from a secure CD that was verified by the Secretary of State, and will be in full custody of the poll worker. Ballots will be electronically transmitted to the county server, which is set up to only accept ballots with signatures from the kiosks. Voters will be able to verify that the vote has been cast, but not how they voted. They are exploring the latter issue with another vendor (Vote Here). Once the votes are received in Okaloosa County, they will be electronically shuffled and combined with the regular ballots. The encrypted event log would show tampering, and this is a transparent process to the voter.

Following are comments from the participants regarding key issues and challenges, and current and best practices:

- It is important to note that there have been secure electronic elections over the internet internationally since 2000, and there are many innovations and existing systems out there. Election administrators should decide what their needs are, look at the availability of existing technology and being to pilot the implementation processes by engaging state and national authorities. The UK government put together a team of vendors and organizations to establish a four-year plan for the establishment of the best technology in the world for electronic voting. The development will be funded by the government in hopes that the resulting solutions are cheap enough for local jurisdictions to purchase. Current solutions, while not perfect, are the best there are and are better than paper.
- IT people have to communicate in non-techno-speak with those that don't have technical backgrounds, otherwise neither the public nor election administrators will be able to understand them, or be willing to do pilot projects. Techno-speak holds back innovation by making issues more complicated than they are. Election processes are simple and adding technologies do not necessarily make them more difficult.
- The American public is risk averse at this point due to having been forced to use technology that turned out to have problems, at the polling places following the 2000 election, but the pilots that are being discussed would be voluntary participation, which would make a big difference.
- Development of technology should not only focus on registration, but be parallel on all issues, to speed up innovation. Experimenters should not be afraid to make mistakes as they are valuable and teach us to ask the proper questions. Experimentation is worthwhile even if it may not work; one won't know until testing.
- Regarding online registration to vote, one problem is the need to compare and verify signatures when most people do not have access to a signature pad. It is also not possible to compare a digital signature to an ink signature in the polling place, which is another disconnect. Implementation of a statewide voter registration system has shown to have many bugs and the fear is that opening it up to voters to add their information might make it more error prone.

Participants made the following recommendations for effective strategies regarding the topics explored in this session, for promoting the use of electronic transmission and UOCAVA voting:

- An internet based electronic voting system would have to be funded by the Department of Defense or another federal agency.
- The implementation is too big of a political target coming from the top down so it may need to be done from the bottom up.
- Addressing the basic issues through technology can make people more comfortable to eventually feel secure enough to use Internet voting (think online banking).
- Pilots might involve students voting from abroad, who are more comfortable with technology. Members of the armed forces have a common access card which would get around the authentication issues.

- Conducting pilot programs will assist in the comfort level of the public and help in developing easier to understand explanations to the common person.
- Experiments should be issued waivers and pilot projects should be allowed.
- Conference attendees should develop a unified script or document to talk to their Legislatures and Secretaries of State, to gain permission to do a pilot project, so that calculated risks can be taken. It would be important to have everyone on the same page, as a community, to reassure participating voters that while there are some issues regarding security, secrecy and such, that election administrators are aware of them and are studying the issues so that progress can be made.
- The Federal government should fund voting research. HAVA was supposed to include tens of millions of dollars for research but money was never allocated. Rather than spending money on large voting companies to supply DREs, government should harness the power of the free market to encourage research in better voting systems. Small companies with better solutions are going bankrupt due to lack of research funds.
- The major lesson learned from the SERVE implementation is that pilot projects have to be collaborations between the IT community and all other parties involved, in a transparent, public manner that allows for feed-back and peer review. It can not be done behind closed doors by simply appealing to the public trust.
- The public perception and the climate of fear have to be turned around to advance awareness of the processes that have already been developed.

Working Session 4 - Technology: implementation details at the state and local level

- **Facilitator:** Doug Chapin, Director, electionline.org
- **Session Objective:** Participants will discuss challenges and resource needs with respect to applying technology to UOCAVA voting processes, especially implementation of electronic transmission of voting materials (registrations, ballot requests, blank and voted ballots).

Mr. Chapin opened this session by asking the following question of three respondents: “What technological/computing resources does your jurisdiction and/or state need to facilitate UOCAVA voting, especially electronic transmission of voting materials including registrations, ballot requests, blank and voted ballots?”

Paul Lux, Assistant Supervisor of Elections, Okaloosa County, Florida, was the first respondent. Aside from the basics, which include hardware and software, email access, etc, what election administrators need is laws in the state that allow for innovation and pilot projects. An additional factor is to have funds available to conduct projects. Regarding state laws, they need to be vague and open-ended enough to allow for experiments. For example, Florida’s law allows for emailing, faxing and “other means of secure electronic transmission,” which gives election administrators the opportunity to use the internet in a pilot project as long as they ensure that it is secure. If all those factors are in place (funds, laws, hardware and software), then the remaining necessity would be to have time to implement it, especially in case of a mandated implementation.

It takes months of preparation to run an election and procedures for new mandates have to be developed which takes time.

Lance Gough, Executive Director, Board of Election Commissioners, City of Chicago, Illinois answered the question next. He noted that the biggest problem to the implementation of internet or email voting currently is that there are no laws that would allow him to conduct it. Lawmakers are not interested in changing a system that has served to elect them in the past. The issues with de-certification of polling place voting equipment have made matters worse. Another point to consider is the fact that while some jurisdictions are well funded and thus computerized, other jurisdictions are on the opposite spectrum, sometimes without computers or even fax machines. Even when the state of Illinois tries to offer them computers, they are reluctant to accept them because they are set in their ways. The funds for internet voting or more advanced electronic transmission of voting materials should come from the federal government along with the laws that mandate its implementation.

Samantha Duncan, Elections Program Specialist, Office of the Secretary of State, Olympia, Washington, was the final respondent to this question. In contrast to Illinois, the jurisdictions in Washington all have hardware and software, very good computer systems and their own fax machines. They are all able to produce pdfs to send out email ballots. However, there are vast differences in the funding the individual jurisdictions have, based on the number of voters. Some have a very small staff that has to struggle to implement the numerous requirements from the federal and state government. There is a need for money and training: all the equipment in the world will not help if users are not trained in how to operate it, or if they have no time to learn it because doing so would take them away from another job. One Washington jurisdiction has developed a program that automatically sends every UOCAVA voter the proper ballot via email. Voters also receive a hardcopy ballot. Voters have to print the emailed ballots and mail them back because Washington law does not allow for voted ballots to be received in another way.

Following are comments from the participants regarding key issues and challenges, and current and best practices:

- A system is currently available via the Overseas Vote Foundation (OVF) website that lets UOCAVA voters fill out registration forms online via drop-down menus that ask only the information that is needed for each respective state. This system goes somewhat toward providing a solution on the registration issue, but for voting and registration, due to the differences in the size and funding of the thousands of jurisdictions, innovation will be implemented in small steps.
- UOCAVA voters have reported that they are interested in communicating with their election administration office directly and for this there is a directory of all election administrators available on the OVF website.
- UOCAVA voters do not have to be registered to vote if they are using the Federal Post Card Application (FPCA), because that serves as a ballot request and a registration. It is important to use the right terminology when talking about UOCAVA voters, and not to confuse registration with a ballot request.

- The FPCA should be renamed because it is no longer a ‘post card’ and does no longer display identifying information to anyone who sees it. It is now a fold-over form. It should be renamed to FUOVA, the Federal Uniform and Overseas Voting Application, which would also clarify who is eligible to use it. However, there are also thousands of old FPCAs out there that are still being used.
- Simply mailing the FPCA to an election administrator does not make a UOCAVA voter necessarily eligible to vote in the given jurisdiction. Voters need to be educated on the domicile requirement for the respective state.
- The National Conference of State Legislatures as a group has been somewhat disconnected from the process, but there is a new project called “Engaging State Legislators in Election Reform,” which will attempt to pursue this topic via a network of election chairs from the national perspective.
- One of the continuing obstacles for election administrators dealing with UOCAVA is that legislators in general still don’t know who UOCAVA voters are. They still think that UOCAVA only covers uniformed members of the armed forces and not civilians, peace-corps members, and other overseas citizens, all of whom make a difference and vote.
- There is a very persistent rumor out there that absentee votes are only counted in a close election. This breeds distrust in the system and needs to be dispelled somehow so that trust with that community can be built again.
- Legislators need to remember that they are talking about members of the armed forces in addition to overseas civilians. There are various examples of overseas voting being studied with respect to internet voting, for example under Secretary Jones in the late 1990s in California, when military members were not even mentioned as an overseas voting group. In a last minute candidate substitution in New Jersey in 2002, absentee voters were sent a pre-paid overnight envelope that could only be used within the United States, along with the new ballot. Military in Afghanistan could obviously not use that envelope and were thus left without options.
- The 70% undeliverable rate is likely inflated due to the fact that the law requires that UOCAVA voters stay on the rolls for two election cycles. UOCAVA voters do participate. A study should be conducted to assess how many undeliverable addresses are on the rolls.
- The military also has to take responsibility and make sure that everyone has access to a Voting Assistance Officer.

Participants made the following recommendations for effective strategies regarding the topics explored in this session, for promoting the use of electronic transmission and UOCAVA voting:

- The absentee ballot envelope system should also be revised so that identifying information will be on the inside of the mailing envelope, not on the outside. With identify theft on the rise, this is very important.
- One company has developed the WebX system that is in use in Washington State for many large and small jurisdictions. It allows ballots to be tracked. It requires set-up with the local authorities and allows the company to provide support and maintenance to users and walk them through the process.

Conference Evaluation

Total number of responses: 21

1. Did this conference provide a helpful forum that highlighted challenges and provided ideas or solutions to facilitate UOCAVA voting? Please elaborate.

All respondents answered YES.

Comments included the following:

“...great forum for an exchange of ideas.”

“...very helpful. It gave me many ideas that we may try to implement...”

“...ability to meet and have open and productive discourse and exchange of ideas: wonderful!”

“...good to get ideas from other states.” “great to hear different approaches from counties/states”

“...results and information shared ... was most helpful... all the pilot projects actually. ...nice to have group involvement and interaction”

“Good assortment of panel members - general level of knowledge good - appreciate high level federal officials that attended”

“...learned about difficulties, met key people, weak on solutions.”

“...forum provided a platform for creative solutions.” “...need more discussion about implementation on local level [about funding for training, staffing and equipment]”

“Fantastic forum. ...facilitator asking a group of selected individuals lead questions worked well with jump starting group discussion”

“Great conference! Very worthwhile. Critical to gaining a better understanding of the issue and to defining solutions.”

“Provided contacts for possible legislative changes within our state. Excellent discussion on problems, concerns and possible solutions.”

2. What would you do differently (e.g. the conference, research on UOCAVA voters, etc.)?

Conference suggestions:

“Change lay-out of room to have facilitator at head of table” “...change seating so that everyone can see each other”

“Send questions in advance”

“Most productive conference I have attended on the federal level”

“Would have liked to have heard from companies that actually conduct internet/web-based elections”

“Invite members of military and/or overseas citizens to participate”

“Add break-out sessions...for state and local officials ...to put proposals together and exchange ideas”

“...need another conference that focuses on solutions”

“Hands-on training”

Research suggestions:

“We need to know sooner what information needs to be tracked to enable us to give you better, more accurate information to do better studies”

“[need to know data requests] clearly defined and at least one year in advance”

“Verification of data gathered before being distributed”

“Need better numbers from military: what percentage of eligible voters are not registered?”

3. What should the EAC’s next steps be in the area of UOCAVA voting?

Comments included the following:

“Work on definitions of data you will be requesting”

“Fund pilot projects” “support pilot projects” “encourage pilot projects” “pilots are necessary” (numerous responses)

“...assist with the legal framework and financially”

“Figure out whether states can partner with DoD to use military ID/password for verification of online registration”

“Support FVAP in their efforts to develop a secure election system for UOCAVA voters”

“Work to create uniformity for UOCAVA voters (timelines to return ballot, modes of transmission, what forms are accepted)

“Set up more working conferences with states/locals”

“Get simple things done first...internet voting is too big a challenge...get ballots out in time should be place to start”

“Truly study internet voting – provide concrete answers to questions raised today and true guidance”

“FVAP provides suggestions to states to make legislative changes – EAC work closely with FVAP to recommend standards/procedures for all states; work with DoJ on recommended procedures for undeliverable mail.”

“Develop and distribute best practices and guidelines for registration and voting.”

“Conduct a study of the 2-year cycle of an FPCA request – find sample jurisdictions to try it.”

“Standardize processes”

“Lobby federal legislators to allow states to pursue innovative [ideas]...”

“[work to] repeal the 2-cycle requirement or facilitate it with money for staffing, equipment and software necessary to automate it”

“[Investigate] vote by phone options”

“Fund research projects...facilitate innovation and pilot studies...launch national “grand challenge” ...hold workshops on targeted issues.

“Provide consistent set of guidelines for UOCAVA voting...prepare a plan for the future of internet voting”

“Technical suggestions for handling email ballots...most secure method to transmit the info...suggestions on software that would allow UOCAVA voters to complete a ballot electronically without having to print, mark, re-scan and send the completed ballot”

“Distribute ideas from this conference”

“Develop internet voting guidelines”

“Set up a blog or email list serve to facilitate communication and collaboration [among conference participants]”

“Poll the states and localities re: UOCAVA best practices and how to implement good legislation.”

4. What should the EAC’s next steps be in the area of Internet voting?

Comments included the following:

“Propose/support federal guidelines or laws on electronic voting/transmission, but not too specific so states can keep some autonomy and discretion as to how they do it.”

“Combat the “climate of fear...electronic voting works well and if there’s an issue, it tends to be procedural not systematic system issues.”

“Duplicate existing systems that have been proven to be secure and implement for voting... move forward – at least do experiments”

“Select counties/states for pilots and collect data from jurisdictions that have performed internet voting”

“Pilots! ...stigma of internet voting will go away after a few successful pilots. Support development of legal framework and acquisition of funding.”

“Focus on accurate and up-to-date voter information. People should always be able to download their ballot.”

“Provide minimum standards for states wishing to implement electronic transmission of ballots...encourage pilots with federal funding or grants.”

“Start with one or two jurisdictions and show that it works”

“Push for innovation...we want UOCAVA votes to be counted but we also want the public’s perception that it is a safe and secure means of voting.”

“Encourage more real-time projects so more studies can be accomplished. The better we know what ‘doesn’t work’ the sooner we will discover what does!”

“Work with FVAP”