United States General Accounting Office

GAO

Report to Congressional Requesters

September 2001

ELECTIONS

Voting Assistance to Military and Overseas Citizens Should Be Improved

GAO-01-1026

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United States General Accounting Office
Washington, DC 20548

September 28, 2001

The Honorable Carl Levin, Chairman
The Honorable John W. Warner
Ranking Minority Member
Committee on Armed Services
United States Senate

The Honorable Max Cleland, Chairman
The Honorable Tim Hutchinson
Ranking Minority Member
Subcommittee on Personnel
Committee on Armed Services
United States Senate

The Honorable Bob Stump, Chairman
The Honorable Ike Skelton
Ranking Minority Member
Committee on Armed Services
House of Representatives

The November 2000 general election highlighted a number of voting issues, including voting technology, election worker training, and acceptance of absentee votes from military and overseas citizens. The Uniformed and Overseas Citizens Absentee Voting Act of 1986 sets out procedures for the federal government and states to follow to ensure that military and overseas citizens can register and vote in federal elections. This report responds to your requests and a similar letter from other members of the House of Representatives that we examine the implementation of the act. Accordingly, this report discusses the following questions: (1) What is the extent and quality of voter assistance for uniformed and overseas citizens? (2) Have state and local requirements posed challenges to these voters? (3) To what extent were these voters' ballots disqualified and what are the reasons for disqualification?

We are sending copies of this report to the Honorable Allen Boyd, the Honorable Charles Stenholm, the Honorable John Tanner, the Honorable Gene Taylor, and the Honorable Jim Turner, House of Representatives, because they expressed concerns about similar military and overseas voting issues in a letter to us. We are also sending copies of this report to the Secretaries of Defense and State; the Secretaries of the Army, the Navy, and the Air Force; and the Director, Office of Management and

Budget; and other interested committees. Copies will also be made available to others upon request.

If you or your staff have any questions about this report, please call me at (202) 512-4300. Additional contacts and staff acknowledgments are listed in appendix VIII.

Henry L. Hinton, Jr.
Managing Director
Defense Capabilities and Management

Executive Summary

Purpose

The narrow margin of victory in the 2000 presidential election aroused concern about a number of issues, including the reliability of voting machines; the training of polling place workers; and the extent to which local jurisdictions accepted votes from members of the military, accompanying citizen family members of voting age, and all other voting age U.S. citizens living abroad. This report on military and overseas citizens' absentee voting is part of a broad body of work GAO is doing to help Congress assess these issues and determine the need for changes in the procedures and equipment used to administer federal elections. The leadership of the Senate and House Committees on Armed Services and several members of the House of Representatives asked GAO to report on the following questions: (1) What is the extent and quality of voter assistance for uniformed and overseas citizens? (2) Have state and local requirements posed challenges to these voters? (3) To what extent were these voters' ballots disqualified and what were the reasons for disqualification?

Background

All active duty military servicemembers and U.S. citizens living overseas who vote absentee face a multistep process to comply with state and local voting requirements. These individuals must take the initiative to register and request absentee ballots, cast their ballots in accordance with administrative requirements (such as providing a signature or having the ballot appropriately witnessed), and send them in time to meet state deadlines. Military and overseas voters must plan ahead, particularly when deployed during elections, because longer distances require more time to transmit voting materials.

The Uniformed and Overseas Citizens Absentee Voting Act of 1986[1] protects the right to vote by absentee ballot in federal elections for more than 6 million U.S. citizens, including (1) 2.7 million military members and their dependents at home and abroad and (2) roughly 3.9 million citizens who live overseas.[2] The act also recommends that states adopt a number of provisions, such as providing late registration procedures for persons

[1] 42 U.S.C. 1973ff-1973ff-6.

[2] The State Department's estimate of the number of overseas U.S. citizens is not precise. These citizens are a diverse group, including retirees, business personnel, students, and dual citizens. The largest numbers of overseas U.S. citizens reside in North America and Europe.

recently separated from the Armed Forces, that facilitate absentee voting by these populations. The Secretary of Defense is the presidential designee with primary responsibility for educating and assisting voters covered by the act and for working with states to facilitate absentee voting. He implements provisions to facilitate absentee voting through the Federal Voting Assistance Program, which is guided by a Department of Defense (DOD) directive[3] and located in the Office of the Secretary of Defense's Office of Administration and Management. With a fiscal year 2001 budget of $5.1 million and a staff of 13, the program's mission is to inform U.S. citizens worldwide about their right to vote, foster voting participation, and work with states to simplify the registration and absentee voting process. The Federal Voting Assistance Program coordinates with DOD components and the Department of State to provide information to, respectively, military personnel who vote absentee and to U.S. citizens who reside abroad. Voter education and assistance efforts for military personnel are largely implemented by the military services through Voting Assistance Officers who are assigned this role in addition to their primary duties. The State Department assists overseas citizens and federal employees assigned to embassies and consulates mainly through its Bureau of Consular Affairs and consular affairs officers overseas, who are also responsible for providing a wide range of citizens' services.

To respond to its reporting objectives, GAO drew upon discussions with Federal Voting Assistance Program officials and service-level Voting Action Officers and questionnaires completed by and discussion groups held with 1,240 officer and enlisted active duty servicemembers, 284 DOD civilians and dependents of active duty personnel, and 235 Voting Assistance Officers at 36 military installations and on ships around the world. Installations selected from each service were located in the United States and six other countries (Germany, Italy, Japan, Korea, Turkey, and the United Kingdom) with large numbers of U.S. military personnel. GAO conducted work at military installations jointly with DOD's Office of the Inspector General, which was requested by the former Secretary of Defense to review DOD's voting assistance program. GAO and the DOD Office of the Inspector General asked installation officials to provide discussion group participants who were eligible to vote in the 2000 general election. Information about the State Department and civilian overseas citizens was derived from information obtained from discussions with State Department officials, questionnaires completed by and discussion

[3] DOD Directive 1000.4, Federal Voting Assistance Program, Sept. 4, 1996.

groups held with 125 federal employees and private citizens in six countries (France, Germany, Israel, Italy, Japan, and the United Kingdom) with large concentrations of U.S. citizens, and 131 responses from a cable inquiry sent to the remaining 210 embassies and consulates around the world. GAO worked jointly with the State Department's Office of the Inspector General to collect this information. GAO attempted to contact a cross section of potential voters from all the military services and citizens living overseas, but their comments cannot be projected to represent anyone beyond those people with whom GAO spoke. GAO visited four states—California, Florida, New Jersey, and Texas—and 16 counties within those states to obtain information on state and local procedures; this information cannot be projected beyond those locations. GAO selected California, Florida, and Texas because they have the largest numbers of potential military voters, and GAO chose New Jersey as an example of a state that has a smaller potential pool of military voters. GAO also held discussions with representatives of an election organization and a military voting advocacy group. Finally, GAO used a telephone survey of 165 randomly selected counties to collect nationwide projectable data on disqualified ballots and local election procedures. While parts of this review were performed jointly with DOD and State Department Offices of Inspector General, each office's scope differed, and each office will independently publish its review findings and recommendations.

Results in Brief

The extent and quality of federal voter assistance for military personnel and overseas citizens varied considerably for the 2000 general election. To its credit, the Federal Voting Assistance Program developed a number of useful tools for voters and Voting Assistance Officers, but many potential voters GAO spoke to were unaware of them. While some installations GAO visited had well-run programs providing assistance and information to potential voters, other installations did not meet DOD and service requirements because they did not provide sufficient numbers of trained Voting Assistance Officers, voter training, and voting materials. The variability in executing the program is due to incomplete service-level guidance that does not reflect DOD's directive, a lack of command support at some installations, and a lack of program oversight by some DOD components. Finally, the State Department provided citizens abroad with a variety of useful assistance, according to overseas citizens and federal employees GAO spoke to, although both groups believed more outreach could be beneficial. Also, State Department headquarters could play a more active role in sharing best practices and lessons learned and in overseeing the program.

Despite progress by states to facilitate absentee voting, many military and overseas voters GAO spoke to believe that challenges remain. Many states have taken steps to implement the act's recommendations that make it easier for military personnel and overseas citizens to register, obtain ballots, and vote. Remaining challenges include understanding and complying with state requirements and local procedures for absentee voting and the time provided by many states and local jurisdictions for sending and returning ballots. In light of concerns surrounding the 2000 general election, many states are examining the need for additional changes in absentee voting requirements. Continued efforts by DOD officials to work with the states to simplify their procedures, modify their election schedules, or allow more use of technology such as faxing and the Internet to speed some portions of the voting process may help alleviate the challenges, but state legislative actions may be required. Further, security and privacy issues pose their own challenges to widespread use of the Internet for casting votes, at least in the near term.[4]

Information on (1) the precise number of military and overseas absentee votes that local jurisdictions disqualified nationwide in the 2000 general election and (2) the reasons for disqualification is not readily available. Based on its national telephone survey, GAO found that many counties did not track data on these specific groups of absentee voters, such as military or overseas, and could not provide the data. For small counties (having a voting age population of less than 60,000) nationwide, GAO estimates 8.1 percent (plus or minus 3.2 percent) of ballots cast by military and overseas voters (i.e., those covered under the act) were disqualified.[5] In contrast, the ballot disqualification rate for civilians not living overseas was 1.8 percent (plus or minus 0.6 percent). While larger counties (having a voting age population of more than 60,000) that responded to GAO's survey showed a similar pattern, the data was insufficient to make a national estimate. Not enough counties in the sample provided data on the reasons ballots were disqualified from specific groups of voters, such as military versus nonmilitary, to enable GAO to make reasonable estimates for these groups. But the survey showed that for all absentee ballots cast, almost two-thirds of the disqualified absentee ballots were rejected because the

[4] GAO is reviewing technology issues as part of its ongoing work on election issues for the Senate leadership.

[5] All the confidence intervals in this report are calculated at the 95-percent confidence level. For example, GAO is 95 percent certain that the actual disqualification rate for military and overseas voters was between 4.9 and 11.3 percent.

ballots arrived too late to be counted or the envelopes or forms accompanying the ballots were not completed properly. DOD is required by law to evaluate the voting program's effectiveness after each presidential election and does this through several surveys, including a survey of local election officials. However, this survey does not collect information from a random sample of local jurisdictions on the extent to which and reasons why votes were disqualified. The survey of local election officials collects limited data on ballots from military and overseas voters disqualified for late arrival, but not other reasons.

This report includes recommendations to the Secretaries of Defense and State to improve (1) the clarity and completeness of service guidance, (2) voter education and outreach programs, (3) oversight and evaluation of voting assistance efforts, and (4) sharing of best practices. The Departments of Defense and State agreed with the report's overall findings and recommendations.

Principal Findings

Significant Variation Exists in Extent and Quality of Federal Voting Assistance

The Federal Voting Assistance Program provides useful information tools to voters and Voting Assistance Officers as part of the Department's voting assistance program. The success of DOD's efforts to support absentee voting at installations varies due in part to incomplete service guidance and limited participation in Federal Voting Assistance Program training workshops, command support, and oversight and evaluation. Overseas citizens and federal employees GAO spoke with were largely satisfied with State Department support for absentee voting. However, the State Department lacks a lessons-learned or best practices program and strong oversight that could enable it to share successful voting program ideas across embassies and consulates.

Federal Voting Assistance Program Offers Useful Information Tools

The Federal Voting Assistance Program produces a variety of useful information tools to inform voters worldwide about voting rights, but some Voting Assistance Officers and many of the servicemembers GAO spoke with were unaware of them. Specifically, the program has developed (1) a Voting Assistance Guide containing state voting information, (2) a web site with voting information and links to state web sites, and (3) a toll free phone number for voting information and

assistance. Ninety-two percent of the 234[6] Voting Assistance Officers found the guide useful, and 84 percent found the web site useful. However, 50 percent of the 1,240 military personnel GAO spoke to were unaware of the web site. Additionally, a majority of both the Voting Assistance Officers and potential voters were unaware of the toll free phone number. Those servicemembers who used the tools were generally satisfied with them.

Military Services' Voting Assistance Varied Due to Incomplete Service Guidance and Insufficient Command Support and Oversight

Some installations GAO visited provided high quality voter education and assistance, but others were not as thorough in supporting absentee voting. GAO saw examples of Voting Assistance Officers who took the initiative to create and maintain successful programs by, among other things, creating voting assistance web sites, personally delivering voting materials to voters, and holding training sessions for voters. Commanders at some installations also showed their support by making public service announcements and providing articles for local media outlets, hosting voting events, and sending their Voting Assistance Officers to training workshops. Other installations did not meet requirements specified in DOD's directive on the Federal Voting Assistance Program, as the following examples indicate:

- Over 40 percent of the land-based installations GAO visited had no installation Voting Assistance Officers, who are responsible for coordinating the voting assistance programs of all units and commands located at a military installation.
- Voting Assistance Officers at the unit level were not always appointed or were assigned responsibility for too many voters. DOD directs that Voting Assistance Officers be appointed at all levels of command; however, the Army, the Air Force, and the Marine Corps have different requirements for the number of voters a unit Voting Assistance Officer can serve. The Navy guidance does not discuss the role of a Voting Assistance Officer.
- DOD requires that Voting Assistance Officers be trained, but neither DOD nor the services specify the mode of that training; GAO found that some of these officers were not aware of basic DOD or service requirements.
- Over 60 percent of the servicemembers GAO spoke to had not received a briefing on voting as required under DOD's directive.
- Generally, installations GAO visited had sufficient quantities of voting materials; however, in some cases, critical voting documents that voters

[6] One Voting Assistance Officer did not respond to this question.

use to register, request an absentee ballot, and cast their votes were in short supply or not received in a timely manner.

Incomplete service-level guidance contributes to this variability at installations. Specifically, key provisions of DOD's directive have not been adopted by the services. Only the Air Force had included in its guidance all the key provisions, such as appointing Voting Assistance Officers, requiring service Inspector General review, and providing training to all servicemembers on absentee voting.

Forty-two percent of the servicemembers GAO spoke with believed that not enough command emphasis was placed on voting during the 2000 general election. DOD's directive requires command support for absentee voting, but some commanders placed little emphasis on the program by neglecting to appoint Voting Assistance Officers or describing the Voting Assistance Officer role as an administrative burden. DOD also exercises very little oversight of the military's voting assistance programs. Although the DOD directive states that voting programs are to be inspected by the service Inspectors General, only the Air Force and the Marine Corps are conducting these inspections, and the comprehensiveness of these inspections varies. In addition, DOD's directive also requires commands to evaluate their voting programs. The Army and the Air Force have included this requirement for evaluation in their voting guidance (but not all of the installations have conducted these evaluations), whereas Navy and Marine Corps guidance is silent on the need for program evaluation. Additionally, neither the services nor the Federal Voting Assistance Program has a procedure in place to track voting activities and gather and share voting assistance program ideas that have proven to be successful at local installations. As a result, Voting Assistance Officers with other demands on their time may not benefit from the experiences of their predecessors.

More Outreach and Oversight Could Improve the State Department's Voting Assistance Program

Because the population served by the State Department is larger and more geographically dispersed than the population served by the military services, the State Department's voting program requirements differ from the services'. For example, whereas DOD requires Voting Assistance Officers to personally deliver a ballot application to every servicemember, the State Department requires Voting Assistance Officers to be appointed to provide voter assistance but does not require personal contact with every potential voter. In discussions with federal employees and U.S. citizens living abroad who were largely experienced voters, GAO found that most had not encountered problems receiving assistance at the embassy or consulate. However, according to some citizens, awareness of voting procedures varied depending on potential voters' degree of

involvement in the American community overseas, access to the Internet, and/or proximity or phone access to the U.S. embassy or consulate.

Also, voters and many embassies and consulates told us that outreach could be improved to increase voter awareness of voting resources. GAO's review identified examples of posts that had developed successful approaches for providing outreach and voting assistance that could be expanded and applied elsewhere. They advocated use of the Internet, print and televised media, consular e-mail lists, and staff trips to improve voter awareness and understanding of the absentee voting process.

The State Department's Bureau of Consular Affairs, which is responsible for the voting assistance program, has had a limited oversight role and does not evaluate embassy and consulate voting assistance activities to identify lessons learned and improve consistency in implementing State Department guidance. Most posts met the State Department's requirement for having a Voting Assistance Officer, but embassies and consulates differed in the amount of training these officers and consular staff received and their understanding of program requirements. Lack of oversight may have contributed to these weaknesses.

States Have Acted to Improve the Military and Overseas Absentee Voting Process, but Voters Still Face Challenges

Many states have implemented some of the 11 legislative proposals that the Federal Voting Assistance Program has recommended to make absentee voting easier for military and overseas citizens. For example, only 4 states require that registration and voting materials be notarized, and 45 states allow military and overseas voters to register and request a ballot in one step (for elections within a calendar year). However, states have generally not adopted all the initiatives, many of which could require state legislation. Nonetheless, as a result of issues identified during the 2000 general election, many states are examining the need for changes to their requirements for absentee voting, including military and overseas voting.

Despite this progress, overseas and military voters reported that variation in the processes and deadlines of different states still caused some confusion about what they needed to do to register and vote in a timely manner. For example, deadlines for registration range from 30 days before the election to election day, while deadlines for receiving voted ballots from overseas range from the Friday before the election to 15 days after. In addition, variation among counties in interpreting and implementing state registration and balloting requirements is another potential source of confusion. Within the four states GAO visited, some counties interpreted

state information requirements strictly while others applied registration and ballot applications standards more liberally. Although the majority of counties GAO surveyed said they had systems to notify voters when they were registered, military and overseas voters said that lack of information on the status of applications caused concern.

Military and overseas voters and state and county officials identified limited time available for receiving and returning the ballots as a significant obstacle. The Uniformed and Overseas Citizens Absentee Voting Act does not prescribe a time by which ballots must be mailed. However, the Federal Voting Assistance Program, some state and local election offices we spoke with, and other interested parties agreed that 30 days is the minimum time needed for a ballot to reach an overseas voter and be returned to a local jurisdiction. Thirty-eight states have agreed that a margin of 45 days should be a goal. Based on its telephone survey, GAO estimates that 87 percent of counties nationwide (with a confidence interval ranging from 79 to 93 percent) mailed ballots in time to provide 30 days or more for receipt of voted ballots, including 16 percent of counties (with a confidence interval ranging from 10 to 23 percent) that provided ballots 45 days or more before the election deadline. Fourteen states and the District of Columbia extend the deadline for receipt of overseas ballots until after election day, but this practice has also resulted in administrative requirements, such as postmarking, to demonstrate that ballots were mailed from overseas and on or before election day. Some local officials and citizens groups agreed states and local jurisdictions should strive for uniformity in the election process. Some thought that all ballots should be received by election day.

Voters and election officials also raised concerns about the timeliness and reliability of mail service, given tight time frames for voting and administrative requirements for postmarking. GAO's analysis of DOD's Military Postal Service Agency transit reports from September through December 2000 and spot checks at four overseas locations did not identify systemic problems with the timeliness of mail delivery for non-deployed personnel. Further, DOD's December 2000 review of 78,000 pieces of mail and GAO's spot checks of postmarks at four locations between February and March 2001 did not identify systemic problems, but these reviews were not projectable and were conducted after the election. Overseas voters using the mail services of foreign countries may have encountered longer transit times and less reliable service than those using military mail.

Many local jurisdictions are already using technology, such as e-mail, faxing, and the Internet, to alleviate some problems in absentee voting. At

present, most states and counties already send and accept some voting materials by fax and/or e-mail. Some jurisdictions use e-mail to provide election information, notify applicants about problems with their applications, and receive requests for absentee ballots. The Federal Voting Assistance Program conducted a very limited pilot test of Internet voting during the 2000 general election and recommended further research to explore how the Internet might be used to alleviate voting challenges. However, security and privacy issues represent significant obstacles to expanding the use of technologies to registration and voting in the near term, according DOD, state officials, and other studies on Internet voting.

Precise Information Is Not Readily Available on Disqualified Military and Overseas Absentee Ballots

GAO estimates that, nationwide, local election offices received 13 million absentee ballots (plus or minus 2.7 million) in the 2000 general election. Overall, 105 million votes were tallied, according to the Federal Election Commission. Based on its survey, GAO estimates that 230,000 absentee ballots (plus or minus 50,000) were disqualified nationwide in the 2000 general election. GAO estimates that the disqualification rate for absentee ballots overall was 1.7 percent (plus or minus 0.3 percent).

Precise information is not available on the extent that military and overseas absentee ballots are disqualified and the reasons for their disqualification. Based on a national telephone survey, GAO found that many counties could not provide data on how many absentee ballots they received from military and overseas voters and how many of these ballots they disqualified.[7] Small counties were more likely than large counties to have this data. [8] GAO estimates that for small counties nationwide the disqualification rate for ballots from military and overseas voters covered under the act was 8.1 percent (plus or minus 3.2 percent), whereas the disqualification rate for ballots belonging to civilians not living overseas was 1.8 percent (plus or minus 0.6 percent). Data from the responding

[7] In this report, GAO uses the term "disqualified ballots" to refer to absentee ballots that, in the judgment of local election officials, did not meet state requirements and that were rejected prior to the vote counting process. For instance, the ballot may have been received after the deadline or may have lacked certain required information on the outer envelope, such as the voter's signature. GAO did not obtain information on ballots that were rejected during ballot counting due to problems discerning voter intent, such as failure to mark a candidate preference or selection of two candidates for the same office.

[8] In this report, GAO defines "small" counties as those with a voting age population of 60,000 people or less. Using this standard, about 80 percent of counties nationwide are small and 20 percent are large.

large counties showed a similar pattern, although not enough counties provided the information for GAO to make a national estimate. The survey results also show that, nationally, almost two-thirds of the disqualified absentee ballots were rejected because the ballots arrived too late or the envelopes or forms accompanying the ballots were not completed properly. However, GAO did not obtain sufficient information from respondents on the reasons ballots from specific groups of voters were disqualified to analyze the disparity in disqualification rates between military and overseas voters and other voters.

Only limited data on disqualified ballots is collected by the Federal Voting Assistance Program. The program surveys selected local jurisdictions every 4 years, after presidential elections, to assess the effectiveness of assistance provided to military and overseas citizens. While the quadrennial survey collects some data on disqualified ballots, such as the number that came in after the election deadline, this data does not provide the number of ballots disqualified for reasons other than lateness. This limits the program's ability to determine whether there are particular issues of concern regarding the disqualification of absentee ballots from military and overseas voters. Furthermore, because survey respondents are not selected randomly, the results from the quadrennial survey cannot be projected to all U.S. voting jurisdictions. The lack of information on disqualified ballots could impede the program's ability to better target the information it provides to voters and to develop initiatives for states to adopt to make the voting process less challenging for military and overseas voters. While many jurisdictions did not have such data readily available, some told GAO that they would be able to track this information with advance planning. Further, the Federal Voting Assistance Program Director agreed that it might be useful to work with local jurisdictions on revisions to its survey that would capture disqualification data.

Recommendations for Executive Action

To improve outreach to military personnel and their dependents and improve oversight of the voting assistance program, GAO recommends that the Secretary of Defense take the following actions:

- Direct the service secretaries to develop voting assistance directives that reflect the requirements in DOD's Directive 1000.4 to appoint trained Voting Assistance Officers, conduct program evaluation and oversight, and train all active duty servicemembers.
- Require that the senior service voting representatives track efforts to meet requirements in DOD's Directive 1000.4, including the level of command support, and report their results to the Federal Voting Assistance Program.

In addition, GAO recommends that the Secretary of Defense direct the Director of the Federal Voting Assistance Program to take the following actions:

- Consult with the services and revise DOD Directive 1000.4 to establish recommended ratios of Voting Assistance Officers to population served.
- Actively collect and share best practices identified by service and State Department voting assistance programs.
- Develop a methodology, in conjunction with states and local jurisdictions, to gather nationally projectable data on absentee ballots disqualified and the reasons for disqualification by modifying its quadrennial survey of local election officials, analyzing the data, and publishing this analysis in its quadrennial election report to Congress.

To improve embassies and consulates' voting assistance to overseas citizens, GAO recommends that the Secretary of State direct the Assistant Secretary of State for Consular Affairs to

- take a more active role in overseeing the voting assistance program by developing a process to collect lessons learned and improve consistency in implementation of State Department guidance and
- establish a system to disseminate best practices among embassies and consulates, particularly in improving outreach to potential voters.

Agency Comments

In commenting on a draft of this report, the Departments of Defense and State agreed with the overall findings and recommendations. Both Departments also noted that they have already taken some steps to strengthen their voting assistance programs. The Department of Defense's written comments are printed in appendix VI, and those of the Department of State are printed in appendix VII.

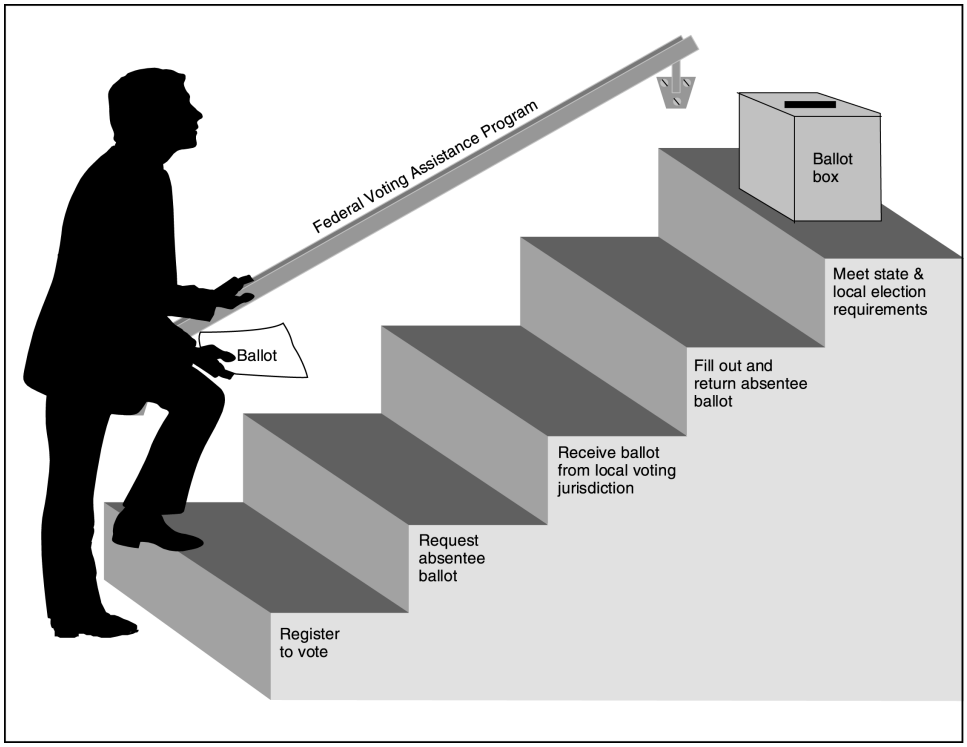
Chapter 1: Introduction

The closeness of election results in the 2000 presidential election and the concerns about the disqualification of military and overseas citizens' ballots brought attention to challenges faced by military and overseas citizens who vote absentee. Absentee voters must follow a multistep process in which local election jurisdictions, states, and the federal government have roles to play. The Uniformed and Overseas Citizens Absentee Voting Act of 1986 requires states to permit U.S. military personnel, accompanying U.S. citizen family members of voting age, and all other voting age U.S. citizens living abroad to vote absentee in federal elections. The act affects more than 6 million of these citizens. The Department of Defense's Federal Voting Assistance Program (FVAP) Office in Washington, D.C., is responsible for informing and educating U.S. citizens worldwide of their right to vote and fostering voting participation. In addition, FVAP is to provide information and resources to voters and Voting Assistance Officers to promote understanding and participation in the democratic process. The military services and the Department of State, through its Bureau of Consular Affairs and consular affairs officers overseas, are the primary agencies responsible for implementing voting assistance programs under the act.

Absentee Voting Involves a Multistep Process Governed by Various Entities

All military servicemembers and U.S. citizens living overseas who vote absentee face a multistep process to comply with state and local voting requirements (see fig. 1). They must register and request absentee ballots, cast their ballots in accordance with administrative requirements (such as providing signatures or having ballots appropriately witnessed), and return them to local officials in time to meet state deadlines. Military voters must plan ahead, particularly when deployed during elections. Moreover, overseas voters require more time to transmit voting materials than voters in the United States because of distance and the vagaries of foreign postal systems.

Figure 1: Steps in the Absentee Voting Process



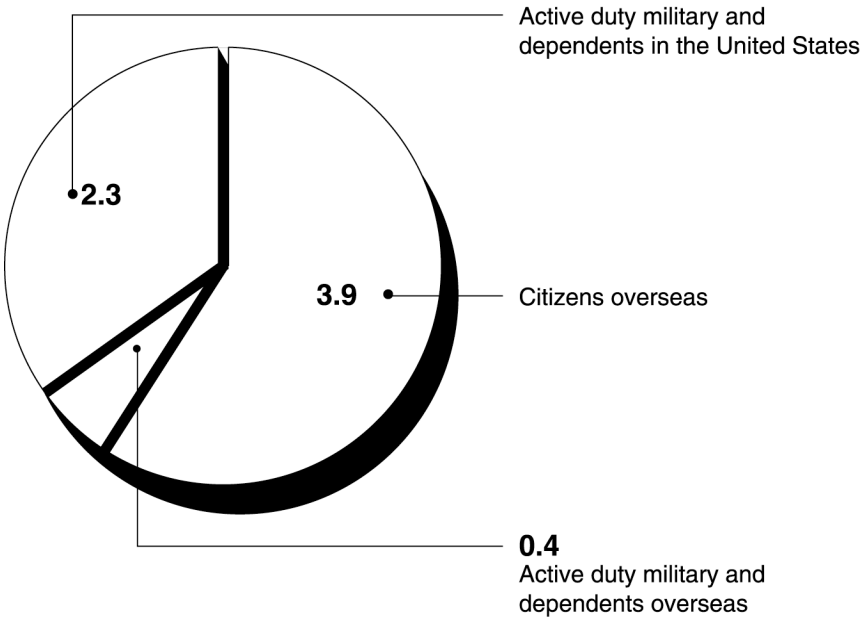
Source: GAO.

In general, election laws and officials must strike a balance between providing voters widespread access to voting and maintaining the integrity of elections against fraud. Election policy and procedures are established primarily at the state level, but states typically have decentralized this process so the details of administering elections are carried out at the city or county levels, and voting is done at the local level. While state laws and policies generally govern elections, the constitutional framework also contemplates a federal role with respect to congressional and presidential elections. For example, Congress has passed laws prohibiting discriminatory practices on voting. (See app. III for a more detailed discussion of Congress and its authority in elections.)

Voting Rights of Uniformed and Overseas Citizens Are Protected by Federal Law

The Uniformed and Overseas Citizens Absentee Voting Act of 1986 requires states to permit military personnel and accompanying U.S. citizen family members of voting age and all other voting age U.S. citizens living abroad to vote absentee in federal elections. The act also recommends that states adopt a number of provisions that facilitate absentee voting by these populations. It covers more than 6 million citizens, including 2.7 million military members and their dependents (2.3 million of whom are located in the United States) and about 3.9 million citizens who reside overseas (see fig. 2).

Figure 2: Estimated Population Covered by the Uniformed and Overseas Citizens Absentee Voting Act



Source: GAO's analysis of DOD data.

Most of the potential voters covered by the act are overseas citizens that are not affiliated with the federal government. These private citizens are a diverse group, including retirees, business personnel, students, and dual nationals. However, the Department of State lacks precise estimates on the number of these overseas U.S. citizens because Americans living abroad do not always report upon their arrival to the U.S. embassy or consulate, and if they do, they do not always report when they have left. Most of the overseas citizens reside in the Americas and in Europe. The countries with the largest U.S. citizen populations are Canada, Germany, Italy, Mexico, and the United Kingdom.

Under the act, states are required to do the following:

- Permit absent uniformed services voters and overseas voters to use absentee registration procedures and to vote by absentee ballot in all federal elections, including general, special, primary, and runoff elections.
- Accept and process any valid voter registration application from an absent uniformed services voter or overseas voter if the application is received by the appropriate state election officials not less than 30 days before the election.
- Permit overseas voters to use the Federal Write-In Absentee Ballots in general elections for federal office. The Federal Write-In Absentee Ballot is to be used only when an overseas voter submits a timely application for his/her state's absentee ballot but does not receive it.

The Attorney General can bring civil action in federal court to enforce the act.

The act includes a number of recommendations that the states can implement to facilitate access to the polls for absentee uniformed services voters and overseas citizens. For example, states should (1) accept the Federal Post Card Application, a form for simultaneously registering and requesting an absentee ballot; (2) expedite processing of balloting materials; and (3) provide late registration procedures for persons recently separated from the Armed Forces.

In the wake of the 2000 general election, bills were introduced in Congress to revise the act or to address other aspects of absentee voting for military personnel. Proposals included extending the right of military personnel under the act to vote in state and local elections and making organizational changes affecting the agencies responsible for implementing the act.

DOD and State Department Play Key Roles in Implementing the Act

As presidential designee for the Uniformed and Overseas Citizens Absentee Voting Act, the Secretary of Defense acts through FVAP to coordinate and implement the act. FVAP has 13 personnel and a fiscal year 2001 budget of $5.1 million and is located in the Office of the Secretary of Defense's Office of Administration and Management. In implementing the act, FVAP provides eligible voters with information about registration procedures and voter materials pertaining to scheduled elections, including dates, offices involved, and other ballot proposals. Specifically, the mission of the office is to (1) inform and educate U.S. citizens worldwide of their right to vote and (2) foster voting participation. Also,

FVAP works with state and local government officials to adopt election provisions within the act.

As required by the act, the presidential designee—the Secretary of Defense— is to provide a report to Congress no later than the end of each year after a presidential election on the effectiveness of voting assistance, including a statistical analysis of voter participation and a description of state-federal cooperation. To measure the effectiveness of the program, FVAP conducts post-election surveys of active duty military personnel, unit Voting Assistance Officers, local election officials, overseas citizens, and overseas federal civilians. The 1996 survey results showed a 64-percent voter participation rate among uniformed services. Currently, the program is analyzing surveys from the 2000 general election. According to FVAP officials, preliminary results show an increased voter participation rate among the uniformed services.

According to a DOD directive,[1] the military services are to designate Voting Assistance Officers at every level of command who are trained to carry out their responsibilities of providing voting education and assistance to servicemembers and their eligible dependents. In addition, one Voting Assistance Officer on each installation should be assigned to coordinate the programs the subordinate units and tenant commands conduct. These voting officers are authorized to administer oaths in connection with voting registration and voting. Serving as a Voting Assistance Officer is considered a collateral duty.

The Department of State, through its Bureau of Consular Affairs and embassies and consulates overseas, carries out its voter assistance responsibilities by providing absentee voting information and assistance to U.S. citizens outside the United States and to federal employees assigned to embassies and consulates. The embassies and consulates provide notary assistance to U.S. citizens. In addition, the Department makes the diplomatic pouch mail system available to citizens for sending election materials back to the United States.

U.S. citizens groups, including Federation of American Women's Clubs Overseas, Democrats Abroad, Republicans Abroad, and Association of Americans Resident Overseas, work with FVAP and the Department of State to provide voting information to U.S. citizens through newsletters,

[1] DOD Directive 1000.4, Federal Voting Assistance Program, Sept. 4, 1996.

organizational meetings, and social events, such as Fourth of July celebrations. They volunteer voting assistance and take responsibility for keeping Americans abroad informed of their rights and helping them to participate in the U.S. political process.

Other GAO Work

This report is part of a series of our reviews on elections. We have issued reports on congressional authority in elections, a comparison of voting age population to registered voters, and our initial review of issues affecting military and overseas voters. Our report on voting accessibility for persons with disabilities is forthcoming. (See Related GAO Products.) In addition, we have ongoing work addressing the election administration process in the United States, from voter registration through recounts, and new voting systems and technologies, including the Internet.

Objectives, Scope, And Methodology

The leadership of the Senate and House Committees on Armed Services and several members of the House of Representatives asked us to conduct a comprehensive review of the implementation of the Uniformed and Overseas Absentee Voting Act of 1986. Our objectives were to (1) assess the extent and quality of voter assistance for uniformed and overseas citizens, (2) identify challenges to military and overseas citizen voters posed by state and local requirements, and (3) identify the extent to which ballots from these voters are disqualified and reasons for disqualification.

To assess the extent and quality of voter assistance for uniformed and overseas citizens, we discussed voter assistance with officials from FVAP, service-level voting action offices, Military Postal Service Agency, State Department's Bureau of Consular Affairs, and groups representing overseas U.S. citizens, including Democrats Abroad, Republicans Abroad, Federation of American Women's Clubs Overseas, American Citizens Abroad, and Association of Americans Resident Overseas. We conducted our work at military installations with the Department of Defense's Inspector General by jointly designing a questionnaire, participating in a training session for auditors from GAO and the Office of Inspector General, and conducting and documenting discussions at 36 locations. To assess assistance provided to citizens associated with the military, we developed questionnaires and held discussion groups with 1,240 officer and enlisted active duty servicemembers, 284 Department of Defense civilian employees and dependents of active duty personnel, and 235

Voting Assistance Officers at 36 military installations around the world.[2] We judgmentally selected installations, representing all the services, in the United States and six other countries (Germany, Italy, Japan, Korea, Turkey, and the United Kingdom) with large numbers of U.S. military personnel. These installations were selected to provide a mix of small and large as well as land and sea-based locations. We asked installation officials to provide discussion group participants who met certain criteria, such as being eligible to vote. Discussion group participants were asked to fill out a brief questionnaire and participate in a discussion about their voting experiences during the 2000 general election. At these installations, we also interviewed unit commanders and postal officials about the voting process. In addition, to assess postal operations, we examined Military Postal Service transit reports between September and December 2000, reviewed a December 2000 DOD nonprojectable postmark review of 78,000 pieces of first class mail, and conducted spot checks of delivery times and postmarks at four military post offices overseas in February and March 2001.

We obtained information about the State Department and civilian overseas citizens from similar questionnaires and discussion groups held with 125 federal employees and private citizens in six countries (France, Germany, Israel, Italy, Japan, and the United Kingdom) selected based on their proximity to military installations being visited and/or the large number of U.S. citizens residing in the country. At the embassies and consulates, we also interviewed Voting Assistance Officers, staff who assisted Voting Assistance Officers, and postal officials about the voting process. In addition, we analyzed 131 responses from a cable inquiry sent to 210 embassies and consulates around the world. We worked jointly with the State Department's Office of the Inspector General to collect this information. While we attempted to contact a cross section of potential voters from all the military services and citizens living overseas, their comments cannot be projected to represent anyone beyond those people with whom we spoke. (See app. I for the list of organizations and locations visited). Although parts of this review were performed jointly with DOD and State Department Offices of Inspector General, each office's scope

[2] Military installations include ships and submarines for purposes of this report.

differed, and each office has independently published review findings and recommendations.[3]

To identify challenges to military and overseas citizen voters posed by state and local requirements, we reviewed election laws in the 50 states and the District of Columbia and contacted organizations of election officials, including the National Association of State Election Directors and the Election Center, and a representative of a military voting advocacy organization. We also judgmentally selected four states (California, Florida, Texas, and New Jersey) and four counties within each of these states. We selected California, Florida, and Texas because they have the largest number of potential military voters, and we chose New Jersey as an example of a state that has a small potential pool of military voters. At these states and counties, we reviewed documents, collected data, and talked to state and county officials about absentee voting in general and issues related to military and overseas voters in particular. We analyzed this data, which cannot be projected beyond the locations visited, to identify similarities and differences in voting processes and discussed issues raised by state and local officials with FVAP.

Finally, to identify the extent to which data is available on the number of ballots disqualified and reasons for disqualification, we randomly selected and telephonically surveyed a nationwide sample of 165 counties. Using the survey, we requested data on the number of absentee ballots cast and the number disqualified from domestic citizens, military personnel and their dependents, and citizens residing overseas. In addition, we asked the local election officials about the timing and procedures of absentee voting in their jurisdictions. Using the survey data, we estimated projections to the nation along with corresponding confidence intervals. (See app. II for a more detailed discussion of our local election official survey methodology.) Finally, we assessed FVAP's efforts to collect information

[3] *Overseas Absentee Ballot Handling in DOD*, Office of the Inspector General, Department of Defense, June 22, 2001 (Report No. D-2001-145) and *Review of Implementation of the Federal Voter Assistance Program*, Office of Inspector General, United States Department of State and the Broadcasting Board of Governors, August 2001 (Report No. 01-FP-M-045).

on disqualified ballots as part of its review of the program's effectiveness, and we discussed options for improving its review based on our survey results.

We performed our work from January through July 2001 in accordance with generally accepted government auditing standards.

Chapter 2: Extent and Quality of Voting Assistance to Military and Overseas Voters Vary Significantly

The Federal Voting Assistance Program provides a number of useful information resources to voters and Voting Assistance Officers, but some Voting Assistance Officers and many voters were unaware of these resources. Some of the installations we visited appeared to have well-run voting assistance programs that provided a significant amount of voting assistance and information to military personnel. Other installations, however, did not provide sufficient numbers of trained Voting Assistance Officers, voter training, and voting materials. The variability in the military installations' execution of the program is due to incomplete service guidance that does not reflect key provisions of the DOD directive, a lack of command support at some installations, and limited program oversight by the services. Additionally, there is no department- or servicewide lessons-learned program to assist Voting Assistance Officers. American citizens overseas generally viewed the State Department's Voting Assistance Program as providing useful assistance, but they believed that dissemination of information on voting and voting assistance resources could be improved.

Voters and Voting Assistance Officers Not Fully Aware of FVAP Resources

FVAP provides a number of useful voting publications and services to assist Voting Assistance Officers and voters through the Department of Defense, the Department of State, and overseas citizens groups. Specifically, the program has developed (1) a Voting Assistance Guide, (2) a web site, (3) a monthly newsletter, and (4) toll free phone numbers for voting information. However, Voting Assistance Officers and voters we spoke to were sometimes unaware of these tools.

The Voting Assistance Guide is a compilation of state voting requirements, state and local mailing addresses, and information about the absentee voting process. It is the principal reference material for Voting Assistance Officers, and it was considered a useful publication by 92 percent of the 234 Voting Assistance Officers we spoke with.[1] The FVAP web site includes an on-line version of the Voting Assistance Guide as well as links to state election home pages. Almost 84 percent of the Voting Assistance Officers we spoke with were aware of the web site and found it to be useful or somewhat useful.[2] FVAP also publishes the *Voting Information News*, a monthly newsletter available on the web, by e-mail, or in paper copy to Voting Assistance Officers. The newsletter includes information on

[1] One Voting Assistance Officer did not answer this question.

[2] Nine Voting Assistance Officers did not answer this question.

registration deadlines, voting workshops, completing registration forms, and other voting related topics. Slightly more than 80 percent of the voting officers we spoke to had access to the newsletter, and the vast majority described it as useful or somewhat useful.

Fewer Voting Assistance Officers were aware of the toll free phone numbers that FVAP has in place to aid voters and Voting Assistance Officers. These phone numbers connect users to the FVAP office, service and State Department voting representatives, and state election officials. There is one toll free number for use in the United States and Canada and numbers for 57 other countries, including all of the countries we visited. However, almost 54 percent of the overseas Voting Assistance Officers and 30 percent of the Voting Assistance Officers at U.S. installations told us they did not have a toll free number available to them. Moreover, on ships and submarines, phone lines are limited, and sailors are charged $1 per minute even for toll free calls.

The 1,240 servicemembers we spoke with were less familiar with the federal voting assistance publications and services than the Voting Assistance Officers. Regardless of whether servicemembers were stationed overseas or in the United States, we found

- about 40 percent were unaware of the guide,
- approximately 50 percent were unaware of the web site,
- about 74 percent were unaware of the toll free number, and
- slightly over 28 percent were unaware of any of these tools.

While many of the servicemembers we spoke with did not use the voting assistance guide, the web site, or the toll free phone number, those who used these tools were generally satisfied or somewhat satisfied. For example, of the 451 servicemembers we spoke to who used the voting assistance guide, 91 percent said that they were satisfied or somewhat satisfied with the guide.

Extent and Quality of Military Voting Assistance Efforts Vary

During our visits to U.S. and overseas installations, we found some installations were more successful than others in providing voter assistance. The success of an installation's voting assistance program depended on the initiative of the Voting Assistance Officers as well as the support the Voting Assistance Officers received from commanders.

Some Installations Have Excellent Voting Assistance Programs

We did not find significant differences in the quality of voting assistance programs at domestic versus overseas installations. At some of the installations we visited, most voters we spoke with were generally pleased with the voting assistance they had received. At these installations, Voting Assistance Officers demonstrated the personal initiative to create and maintain successful programs. The following are some of the actions taken to provide voting assistance to servicemembers.

- At one installation, the installation Voting Assistance Officer met weekly with newcomers to explain the absentee voting process and provided a list of unit Voting Assistance Officers. The officer also developed a web page on the base's Intranet with links to unit Voting Assistance Officers, FVAP, and other voting web sites and wrote a lessons-learned report for the incoming installation Voting Assistance Officer.
- Another installation Voting Assistance Officer trained the post office employees as Voting Assistance Officers so servicemembers could apply for voter registration at the post office.
- Voting Assistance Officers at several installations went door-to-door in housing units and work areas to provide eligible voters with voting materials and registration and voting assistance. Others held voter registration events throughout the year during festivals, concerts, and school open houses.
- Several installation Voting Assistance Officers held training sessions for all unit Voting Assistance Officers, and some commanders mandated attendance by the unit Voting Assistance Officers.
- One ship-based Voting Assistance Officer held a "voting day" several days before a scheduled port visit. The Voting Assistance Officer told us that she believed the port visit would be the last time to mail ballots in time to be counted on election day.

For a voting assistance program to be successful, commanders must make it clear that they support the program. In fact, DOD's directive on the program requires command support at all levels for the program. Some commanders demonstrated their support for the program by

- sending their installation voting officers to FVAP's workshops,
- hosting voting assistance workshops,
- sending letters to unit commanders that directed them to appoint Voting Assistance Officers,
- making public service announcements for radio and television,
- providing articles for base newspapers, and
- developing a theaterwide voting action plan with clear reporting requirements.

Some Installations Failed to Provide Adequate Assistance to Voters

We found programs at both domestic and overseas installations that failed to provide sufficient assistance to potential voters. At these installations, some servicemembers we spoke with told us that they did not know how to register to vote or request an absentee ballot. In almost all of these cases, the installations' voting assistance program failed to meet some of the key DOD or service requirements for the voting assistance program.

Voting Assistance Officers Not Always Appointed or Appointed in Sufficient Numbers

The DOD directive on the voting assistance program requires the appointment of installation Voting Assistance Officers and unit Voting Assistance Officers. Providing voting assistance is a collateral duty, and those appointed are expected to fulfill these duties in addition to carrying out their primary duties as warfighters and mission support staff. Also, military personnel rotate to new assignments periodically, which presents a challenge to training Voting Assistance Officers.

Over 40 percent of the 28 land-based installations we visited in the United States and overseas had no installation Voting Assistance Officers. The installation Voting Assistance Officer is the focal point of the voting assistance program and the principle assistant to the installation commander on voting. Some of the installation Voting Assistance Officer's responsibilities include ensuring that (1) unit Voting Assistance Officers are trained, (2) all servicemembers are trained on the absentee voting process, and (3) all servicemembers personally receive Federal Postcard Applications to register and request absentee ballots.

We also found that not all units at the installations visited had unit Voting Assistance Officers. These officers provide direct assistance to the voter and may be the only voting resource available to the voter. We could not determine how many units did not have these officers because some of the installations had no means of identifying them. However, more than one-third of the 1,238[3] servicemembers we spoke with told us they did not know who their unit Voting Assistance Officer was. Also, during our group discussions, some servicemembers told us that their units did not have unit Voting Assistance Officers.

When unit Voting Assistance Officers were appointed, they were sometimes responsible for too many voters. DOD's directive states that Voting Assistance Officers should be readily available and equipped to give personal assistance to voters for all elections, but it does not establish a

[3] Two servicemembers did not answer this question.

voters-to-Voting Assistance Officer ratio. Service requirements on how many voters a unit Voting Assistance Officer is responsible for vary. The Air Force requires one officer for every 20 voters, the Army requires one at the company level (as many as 190 voters), and the Marine Corps requires one at each battalion (about 900 voters). The Navy guidance is silent on the need for Voting Assistance Officers. About 31 percent of the Voting Assistance Officers we spoke to were assigned to provide assistance to 250 or more people. During our group discussions, some servicemembers told us that it was often difficult to meet with their Voting Assistance Officers because the officers were too busy or did not work the same shift as the servicemembers did.

In commenting on a draft of this report, DOD stated that it will revise its directive to require heads of DOD components to establish ratios to ensure a sufficient number of Voting Assistance Officers for the eligible voters. DOD expects to issue the revised directive in October 2001.

Voting Assistance Officers and Voters Lacked Training

DOD requires that Voting Assistance Officers be trained, but neither DOD nor the services specify the mode of training. Concomitantly, we found that many Voting Assistance Officers were not aware of key DOD requirements. Several training options are available for Voting Assistance Officers. They can (1) attend a workshop sponsored by FVAP, (2) review the training presentation included on the FVAP web site, or (3) review the FVAP guide. In addition, some installation Voting Assistance Officers held training sessions for their unit Voting Assistance Officers. While 93 percent of the 235 Voting Assistance Officers we spoke with had some type of training, only one-third attended 1 of the 70 training workshops FVAP sponsored.[4]

At several locations we visited, Voting Assistance Officers we spoke with did not know of the DOD requirement to personally deliver a Federal Post Card Application to each servicemember or the need to provide training to servicemembers on the absentee ballot process. In addition, we met Voting Assistance Officers who were unaware of the Federal Write-In Absentee Ballot and when to use it. Voting Assistance Officers and eligible voters recognize the need for additional training for Voting Assistance Officers. During our group discussions, some Voting Assistance Officers told us that they were unprepared to assist voters, and some servicemembers told us

[4] According to the Director of FVAP, the number of workshops was limited primarily by the availability of program staff.

they did not believe their Voting Assistance Officer was sufficiently knowledgeable to provide accurate voting assistance.

DOD requires that all servicemembers receive at least one briefing on the absentee voting process in a year when a federal election is held. However, 61 percent of the 1,238[5] servicemembers we spoke to in the United States and overseas said they had not received a briefing, and over 22 percent of servicemembers who did not vote said one reason they did not vote was because they did not know how to obtain an absentee ballot. During several group discussions, we met with servicemembers who were unfamiliar with the Federal Post Card Application and found a significant number of overseas servicemembers who also had no knowledge of the Federal Write-In Absentee Ballot. During these discussions, both officers and enlisted servicemembers told us they believed that training would improve their ability to request, obtain, and complete absentee ballots.

Voting Materials Not Always Available When Needed

Generally, the installations we visited had sufficient quantities of voting materials on hand. However, at some installations we found that voting supplies such as Federal Postcard Applications and Federal Write-In Absentee Ballots were not always provided on time or in sufficient quantities. DOD recommends that four Federal Postcard Applications and one Federal Write-In Ballot be available for every servicemember and eligible family member. Additionally, postcard applications should be available to servicemembers and eligible family members prior to the presidential primaries. Several installations had no postcard applications for several months last year, and this had a negative impact on their voter registration efforts. One installation did not have voting materials until October 2000, according to a Voting Assistance Officer. Other Voting Assistance Officers told us that they did not have a sufficient number of write-in ballots. One Voting Assistance Officer told us his ship deployed without the write-in ballots and another told us that she was only able to obtain 20 ballots for her unit of 2,000 people.

Nearly 30 percent of the Voting Assistance Officers we met were dissatisfied or somewhat dissatisfied with the methods used to obtain voting materials, and we spoke with Voting Assistance Officers who were unaware of how to obtain voting materials. In most cases, the Voting Assistance Guide is provided to installations without ordering, but other material (such as the postcard applications and the write-in ballot) must

[5] Two servicemembers did not answer this question.

be ordered at the beginning of each election cycle from the services' publications offices. It is not clear who is responsible for ordering these materials in any of the services' guidance.

Incomplete Service Guidance, Lack of Command Support, Uneven Oversight, and No Lessons-Learned Program Resulted in Mixed Success

DOD Directive 1000.4 is DOD's primary guidance for the voting assistance program. The directive establishes several requirements for the services to ensure that DOD's policy of providing assistance to all eligible voters who desire to vote is met. However, as table 1 demonstrates, we found that only the Air Force had included all of the key requirements in its guidance. Moreover, the Navy's guidance only includes two of the key requirements.

Table 1: Comparison of DOD Directive 1000.4 and Service Guidance

	Are the provisions of DOD Directive 1000.4 included in the service's guidance?			
Requirements in DOD Directive 1000.4	**Army**	**Navy**	**Air Force**	**Marine Corps**
Appoint a flag officer to manage the servicewide program	Yes	No	Yes	Yes
Appoint an installation Voting Assistance Officer to coordinate the voting assistance programs of all units at an installation	Yes	No	Yes	Yes
Appoint trained unit Voting Assistance Officers to assist eligible voters	Yes	No	Yes	Yes
Require Inspectors General to include the voting assistance program in inspections at every level of command	No	No	Yes	Yes
Evaluate command voting assistance programs	Yes	No	Yes	No
Train all servicemembers in absentee voting	Yes	No	Yes	No
Obtain and distribute Federal Postcard Application and Federal Write-In Absentee Ballot	Yes	Yes	Yes	Yes
Place a Federal Postcard Application in the hands of every servicemember	Yes	Yes	Yes	Yes

Source: DOD Directive 1000.4 and Army Regulation 608-20, Bureau of Naval Personal Notice 1742, Air Force Instruction 36-3107, and Marine Corps Order 1742.1. Also Army, Air Force, Navy, and Marine Corps 2000 Voting Assistance Program implementation plans.

In response to our draft report and the recommendations made by the DOD Inspector General,[6] DOD has stated that it plans to revise its voting directive by September 30, 2001, and will require the services to revise their guidance as well. However, at the time we completed our review, DOD had not established a time line for revising the services' guidance.

[6] Office of the Inspector General, Department of Defense Audit Report (D-2001-145, June 22, 2001).

Installation and organization commanders' varying levels of support for the 2000 voting program contributed to its mixed success. Although command support is required by DOD and is essential for a successful voting program, the DOD directive prohibits commanders from ordering servicemembers to vote. While some commanders clearly supported the program, others gave it little or no support. For example, one commander described the voting program as another administrative burden on an officer who has more important things to do. At another installation, some unit commanders refused to appoint unit Voting Assistance Officers.

The lack of command support was apparent to many of the voters we spoke with. More than 42 percent of the active duty servicemembers we spoke with believed that not enough emphasis was placed on voting during the 2000 general election, and many servicemembers told us that the voting program needed the same level of support as DOD's charity fund raising campaigns. Several Voting Assistance Officers believed that their commanders needed to do more to make it clear that the voting assistance program was a high priority. Balancing voting duties will always be difficult given the numerous other responsibilities these officers are assigned; in the absence of support from commanders, these officers may be inclined to ignore the voting assistance program given the other demands on their time.

We also found very little oversight or evaluation of the military's voting assistance programs. Although DOD's directive clearly states that voting programs are to be inspected by the service Inspectors General, only the Air Force and the Marine Corps were conducting these inspections; however, the comprehensiveness of these inspections varied within the Air Force and between the Marine Corps and the Air Force. In addition to inspections by the Inspectors General, the DOD directive requires the services to undertake continuous evaluation of the voting assistance program. The Army and the Air Force included the requirement for evaluation in their voting guidance, but not all of the installations or commands we visited had conducted these evaluations or were aware of the requirement. Navy and Marine Corps guidance are silent on the need for program evaluation.

We also found that there were no mechanisms in place during the 2000 general election to determine if installations were complying with the requirements of DOD Directive 1000.4 while the voting program was being implemented. None of the services required the installations to provide feedback that could be used to determine how well each installation's voting assistance program was meeting the requirements of the directive.

Only the Army required installations to provide status reports to higher levels of command during the months leading up to the election. However, those reports did not address compliance with the requirements of the directive. Moreover, some of the Army installations we visited failed to provide the reports, and the Voting Action Officer at one command said the command had no means to compel the installations to provide the reports.

Neither the services nor FVAP have established a lessons-learned program to capture and share both successful and unsuccessful voting assistance program ideas. The majority of Voting Assistance Officers have limited experience, training, and time to devote to the program. Lessons-learned programs enhance oversight and make planning and implementing programs easier for program managers. In commenting on a draft of this report, DOD stated that future guidance will address the collection and reporting of best practices. According to DOD, these best practices will be shared through the FVAP web site and *Voting Information News*.

More Oversight and Outreach Would Benefit State's Program

In contrast to the military, overseas citizens are more geographically dispersed and often difficult to reach. Therefore, the State Department's voting assistance program differs from the military services programs. For example, the State Department requires that each embassy and consulate have a Voting Assistance Officer, but it does not require that every potential voter be contacted. Most of the 125 overseas citizens we spoke to said that they had obtained useful assistance from their embassies and consulates, though we were told some U.S. citizens may not have adequate access to or awareness of assistance. However, a few posts did not meet program requirements, and most posts reported that their staff had not received training. Some embassies and consulates conducted successful outreach activities to improve voter participation, and many post officials and citizens told us that such outreach efforts should be expanded. Furthermore, the State Department's headquarters played a limited role in program oversight and has no mechanism for evaluating the diplomatic posts' implementation of the voting assistance program or for sharing information.

Citizens' Access to Assistance Varies

In discussions with federal employees and U.S. citizens living abroad, we found that most had not encountered problems receiving assistance at embassies or consulates and that some government employees and citizens praised their embassies and consulates' voting efforts. However, some overseas citizens told us that the quality of voting assistance at an

embassy or a consulate varied depending on who was providing assistance and that some citizens did not have the same level of access to government resources because they lacked telephone and/or Internet access, were not an active part of the American overseas community, or did not reside near an embassy or a consulate.

Many of the citizens we spoke to had voted absentee two or more times (80 percent) in the past and were aware of the Federal Voting Assistance Guide (75 percent); their understanding of the process may be greater than that of newcomers to absentee voting and of U.S. citizens who have limited contact with an embassy. Government employees who worked at an embassy said they rarely had a problem obtaining assistance. Several government employees praised their embassies and consulates for providing voting information in embassy newsletters and providing accurate and timely assistance.

However, in group discussions with private U.S. citizens, we were told about citizens who were unaware of the Federal Write-In Absentee Ballot or that they could use the post office at the embassy to mail their voting materials. Thirty-nine of the 131 posts that responded to questions we provided in a cable stated that many citizens seeking assistance were unable to vote because they did not understand the requirements for absentee voting, including deadlines for registering to vote and requesting a ballot. Some thought they could vote at the embassy or consulate on election day. Overseas citizens who live some distance from embassies and consulates may also have been less aware of voting information and faced additional challenges. For example, citizens eligible to vote in the four states requiring that registration forms or voting materials be notarized[7] must either travel to a consulate or pay a private notary, which we were told can cost several hundred dollars or more.

Most Posts Met State Department Requirements, but Some Wanted More Training

According to State Department guidance in the Foreign Affairs Manual, embassies and consulates should appoint a consular officer as a Voting Assistance Officer, have sufficient supplies of voting materials, and allow nongovernment U.S. citizens to use U.S. government postal facilities for mailing voting materials. Almost all posts that provided us information had appointed Voting Assistance Officers who also performed other consular services, such as issuing passports and visas and assisting Americans in

[7] Michigan, Mississippi, Utah, and Vermont.

distress. Five of the eight posts that had not appointed a Voting Assistance Officer did not provide a reasonable explanation, such as being temporarily closed due to security reasons. Voting Assistance Officers at the locations visited told us that other staff, including Foreign Service Nationals[8] and student interns, support them in providing voting assistance to American citizens. Though most posts had Voting Assistance Officers, a few post officials did not fully understand their responsibilities for providing voting assistance. According to responses to our cable inquiry, 14 posts appeared to not be aware that it is each individual post's responsibility to order the Federal Post Card Applications and Federal Write-In Absentee Ballots.[9] Two posts responded they were not familiar with the Department's guidance on use of the embassy and military postal facilities for mailing voting materials.

Embassy and consulate staff who provide assistance may not have received much, if any, formal training on absentee voting, and 22 posts that responded to our cable specifically requested that more training be provided in the future. State Department guidance requires that Voting Assistance Officers familiarize themselves with FVAP's Voting Assistance Guide, but it does not require that they receive formal training. Nonetheless, officials from eight posts said someone from their staff had attended a FVAP workshop. The State Department hosted 13 FVAP workshops in Italy, Spain, Iceland, Hong Kong, Singapore, Thailand, South Africa, Australia, and New Zealand during the 2000 election year. A FVAP official told us that the program's small number of staff limits the number of workshops FVAP can provide each election year. FVAP selects locations for workshops that have a relatively high population of U.S. citizens and may not have benefited from workshops in recent years. One post specifically noted that the workshop improved its voting assistance program by clarifying many of the states' requirements and establishing better working relationships between the embassy and FVAP. Officials from another nine posts said they received limited training during consular officer training courses. Other consular staff relied on informal training, such as reviewing FVAP's Voting Assistance Guide or the web site's voting assistance tutorial, or learning procedures from more experienced staff at the post.

[8] Foreign Service Nationals are non-U.S. citizens directly hired by embassies and consulates.

[9] A January 2000 cable from the Bureau of Consular Affairs referred posts to a 1998 cable that provided instructions on ordering supplies, such as the Federal Post Card Application.

Outreach Successes Could Be Expanded

Embassies and consulates we visited and that responded to our questionnaire conducted a wide range of activities to provide voting assistance and outreach. Some of the activities that were considered successful included

- sending information through e-mail lists of American citizens and organizations;
- including information in embassy newsletters distributed to embassy employees and others who asked to be on the embassy's mailing list;
- participating in joint voter registration events with U.S. citizens groups;
- including voting materials with passport applications and renewals;
- providing information on the embassy's web site;
- sponsoring voter registration events at schools, churches, and other local American community groups;
- providing voting assistance and materials through staff trips around the consular district;
- making and distributing copies of each state's requirements from the FVAP Voting Assistance Guide so that citizens could have a copy of their state's requirements;
- putting the FVAP web site on a CD-ROM so it could be distributed to people without Internet access; and
- conducting interviews for local media on the embassy's role in voting assistance to U.S. citizens.

Officials at many embassies and consulates said better dissemination of information on the right to vote and the overseas absentee voting process could improve voter awareness of absentee voting resources and requirements. Forty-two posts suggested that the federal government make greater use of the Internet, print and televised media, and consular outreach such as e-mail lists and staff trips around the geographic areas they serve to provide voting information. Also, some private U.S. citizens suggested that the U.S. government could increase outreach by funding public service announcements in print and televised media widely available to Americans who reside overseas.

However, some Voting Assistance Officers told us limited consular resources constrained the extent to which they could expand these and other voter outreach efforts. State Department Bureau of Consular Affairs officials told us that expanding outreach through media outlets would be the most challenging because of the costs. These officials told us that they might find some opportunities to improve outreach through the media by using State Department public affairs officers rather than consular officers to initiate outreach efforts. However, the officials believe FVAP is in a

better position to implement broad multi-country media campaigns. A FVAP official told us that though an extensive public service announcement campaign was used during the 2000 general election, the announcements were only shown in the United States due to prohibitions against using American actors in advertisements abroad. Both Bureau of Consular Affairs and FVAP officials told us that they have to balance the desire to increase media advertising against competing priorities such as training Voting Assistance Officers. At a minimum, Bureau officials recognized that some of the successful outreach activities already being conducted at some embassies and consulates could be publicized and expanded elsewhere.

State Department Headquarters Has Not Provided Strong Oversight

The Bureau of Consular Affairs is responsible for overseeing the State Department's voting assistance program, but its responsibilities are limited. The Bureau primarily communicates voting information and program guidance to embassies and consulates through cables. For example, in 2000, the Bureau sent two cables to all posts referring them to the FVAP web site for additional information and reminding them to check voting supplies and to conduct voter assistance activities during Overseas Voters Week. The Bureau could play a more active role in ensuring posts understand the voting assistance program requirements. For example, Bureau officials told us that they are not involved in planning or participating in the FVAP training workshops, though training is one means for increasing embassy and consulate staff's understanding of program guidance and absentee voting requirements.

Another weakness in the Bureau's oversight of the program is the lack of any assessment or evaluation of the State Department's implementation of its voting assistance program that identifies lessons learned. Bureau officials told us that they have relied on the feedback they receive from FVAP's post-election surveys of Voting Assistance Officers and overseas voters for identifying areas for improvement, but they recognized that this feedback may not reveal specific implementation problems or improvements based on the experiences of embassies and consulates. After the 2000 general election, the Bureau did not ask posts for lessons learned to identify areas for improvement and potential best practices, though one official told us that lessons learned had been collected in past elections. The Foreign Affairs Manual's chapter on voting assistance encourages posts to suggest ways to improve the voting program, and a few posts did so. However, the Bureau does not have any process for compiling lessons learned and using this information to improve voting

assistance across embassies and consulates and to provide feedback to FVAP.

Bureau of Consular Affairs officials agreed that the Bureau's oversight of the program could be improved. The officials plan to request that every embassy and consulate provide the name of its Voting Assistance Officer and notify the Bureau when that person is being replaced and by whom. The officials believe that this action will send a message to posts that voting assistance is important and will provide accountability to the program. The officials also told us that they plan to explore opportunities for incorporating more voting assistance training into consular officer courses. They also agreed that the State Department could improve its efforts in identifying potential strengths and weaknesses in its implementation of the voting assistance program and that collecting lessons learned from embassies and consulates after elections and identifying best practices could serve this purpose.

Chapter 3: States Have Taken Steps to Facilitate Military and Overseas Voting, but Some Challenges Remain

Many states have worked with the Federal Voting Assistance Program to make it easier for military and overseas citizens to vote absentee by reducing obstacles such as notarization requirements and accepting one Federal Post Card Application for all elections in a calendar year. However, military and overseas voters continue to face some challenges in casting their absentee ballots. First, while military and overseas voters must meet the specific requirements of the state where they vote, variation among states' requirements and deadlines for registration, application for absentee ballots, and return of ballots sometimes causes confusion as to when voters must take action. Second, military and overseas voters and state and local election officials cited tight time frames that leave little room for error or delay as a primary obstacle to absentee voting overall and particularly for overseas and military voters.

Continued efforts by FVAP to work with states to simplify their procedures and modify their election schedules may help alleviate problems due to confusing requirements and tight time frames, although some proposed initiatives would require state legislative actions. Expanding the use of technology may help to ease time pressures and enhance communications with voters. However, FVAP officials and state and local election officials view security and privacy issues as obstacles to widespread use of the Internet to cast ballots in the near future.

States Have Taken Some Steps to Simplify Absentee Voting Process

FVAP has encouraged states to adopt the recommended provisions of the Uniformed and Overseas Citizens Absentee Voting Act and 11 legislative initiatives designed to facilitate voting for military and overseas citizens, such as eliminating notarization requirements and ensuring adequate time for overseas voters to receive and return their ballots before state deadlines. As seen in table 2, many states have accepted some of the FVAP initiatives. In addition, according to state election officials, some states are considering adopting additional initiatives. Appendix V contains further information on the initiatives and the states that have adopted the initiatives.

Table 2: FVAP Legislative Initiatives and Number of States That Have Adopted Some Form of Them as of July 1, 2001

FVAP initiatives	Number of states adopting initiative
Eliminate notarization requirements on any absentee voting materials	46[a]
Eliminate any "not earlier than" acceptance dates to accept requests for registration or absentee ballot requests	45[a]
Use a single Federal Post Card Application to serve as a request for registration and/or absentee ballot application for all elections in a calendar year	45[a]
Allow the use of electronic transmission of election materials	44[a]
Allow a 45-day transit time between the date the absentee ballot is mailed to the voter and the due date for the voted ballot to be returned[b]	38[a]
Incorporate reference to Uniformed and Overseas Citizens Absentee Voting Act into state election code	30[a]
Provide for a special state write-in absentee ballot[c]	27
Establish late registration procedures for persons recently separated from the military and civilian overseas employment who, in their transition period, may not meet their state's normal residency requirement	23
Provide the state's chief election official with emergency authority during periods of declared emergency	10
Enfranchise citizens who have never resided in the United States or the territories	8
Expand use of the Federal Write-In Absentee Ballot to include special, primary, and runoff elections and also to allow the ballot to be used as a simultaneous registration application and ballot	6

[a]Also adopted by the District of Columbia.
[b]Indicates that election officials agree with the goal of mailing military and overseas voters' ballots 45 days before election.
[c]A state write-in absentee ballot would allow voters to write in a full slate of offices to be voted upon for all elections, unlike the Federal Write-In Absentee Ballot, which allows voting only for federal offices in general elections.

Source: FVAP.

Iowa is the only state that has adopted all the initiatives, according to FVAP records. Although state and county officials we interviewed were generally supportive of efforts to make voting easier for all voters, some of these officials expressed reservations about some of the initiatives. For example, they were concerned that allowing faxing of ballots would undermine safeguards in place to guard against fraudulent voting. Some observers raised concerns about making the voting process easier for only military absentee voters and not other voters. Even where election officials support adopting the legislative initiatives, they must find legislators to act as sponsors, and these issues must compete with other priority issues for attention during often short legislative sessions.

Officials of the Federal Voting Assistance Office are continuing to work with state election officials to emphasize the need to address obstacles to

voting faced by military and overseas voters and to promote its initiatives. For example, program officials spoke at meetings of election officials and wrote letters to state election officials suggesting legislative provisions that could make military and overseas voting easier. In addition to the 11 legislative initiatives, FVAP has identified additional actions that it would like states to take to simplify absentee voting. According to the program's Director, one new initiative would be to ask states with extended deadlines to remove postmarking requirements and substitute a signature, a date, and a self-administered oath on ballot return envelopes. The Director plans to pursue this initiative with individual states that have a postmarking requirement.

The issues identified during the 2000 general election have led some states to examine more closely the need for changes to their requirements for absentee voting. For example, Florida and New York chartered election reform studies that made recommendations for changes to elections systems, including absentee voting. Some states have already made significant changes to their elections laws that will facilitate military and overseas absentee voting. In May 2001, the Florida legislature passed the Florida Election Reform Act of 2001.[1] Among other changes, the law clarifies that ballots will not be rejected if they are signed, dated, and witnessed prior to election day. It also eliminated, effective until 2004, a second primary. This change should enable counties in Florida to certify the list of candidates sooner so ballots can be mailed to absentee voters earlier.

Military and Overseas Voters Must Understand and Comply With States' Requirements for Voting by Absentee Ballot

While it is ultimately a voter's responsibility to learn about and comply with voting requirements, military and overseas voters do not always complete absentee voting requirements or use federal forms correctly. The basic steps that absentee voters must take to register and request an absentee ballot are similar for all states. Nevertheless, absentee voting schedules and requirements vary from state to state. In addition, counties vary in how they interpret and implement state requirements. Some military and overseas voters and Voting Assistance Officers told us that varying state and county requirements resulted in confusion among voters about residency requirements and about the deadlines for registering to vote, requesting a ballot, and returning the voted ballot.

[1] 2001 Fla. Laws, ch. 2001-40.

Voter Error Indicates Lack of Understanding of Voting Process and Absentee Voting Forms

County officials said that problems in processing absentee voting applications arise primarily because voters do not fill in the forms correctly or do not begin the voting process early enough to complete the multiple steps they must take. In addition, county officials said that they receive federal applications and ballots from voters who do not understand the use and restrictions of these forms. Election officials' observations confirm our findings that overseas and military voters, as well as Voting Assistance Officers, would benefit from better training and improved voting assistance.

Election officials in counties we visited cited voter error in filling out the absentee applications as a major problem for all absentee voters, including military and overseas voters. County officials described voters' failure to provide critical information, such as a signature or valid residence in the local jurisdiction, or to take necessary steps, such as requesting an absentee ballot, early enough as principal problems in completing the application and voting process. Some county officials noted that they received some Federal Post Card Applications too late to register the voters and send ballots before the election.

One county official speculated that that the small number of Federal Write-In Ballots the county received could indicate a lack of knowledge on the part of overseas voters that they had another option if their ballots did not arrive in time for them to return the ballots by established deadlines. Registered voters who have requested ballots at least 30 days before the election may use the Federal Write-In Absentee Ballots if they have not received their local jurisdictions' ballots in time to return them by the election deadline. Federal Write-In Absentee Ballots were not widely used in the 16 counties we visited—none of the 12 counties visited for which we were able to collect the information received more than 50 such ballots. During our discussions, some military and overseas voters confirmed they did not know about their option to use the Federal Write-In Absentee Ballot.

Some county officials also said problems with the Federal Write-In Absentee Ballots they received indicated voters did not always understand the restrictions of this ballot. For example, county officials received Federal Write-In Absentee Ballots from voters who had not previously registered to vote in the jurisdiction or had not requested the ballots 30 days before the election as required. Officials in one county in Florida told us that, on reviewing all absentee ballots, they did accept some Federal Write-In Absentee Ballots where no requests for ballots were on file or voters had requested ballots less than 30 days before the election.

Other election officials said counties received some Federal Write-In Absentee Ballots, which are only for use by overseas voters, from military voters who were stationed at domestic installations. In one instance, officials told us that military voting officers had misinformed voters and distributed the ballots at a domestic installation near the county. By the time the mistake was discovered, it was too late for the voters to register and to vote in person.

States' Absentee Registration and Ballot Deadlines for Military and Overseas Voters Vary

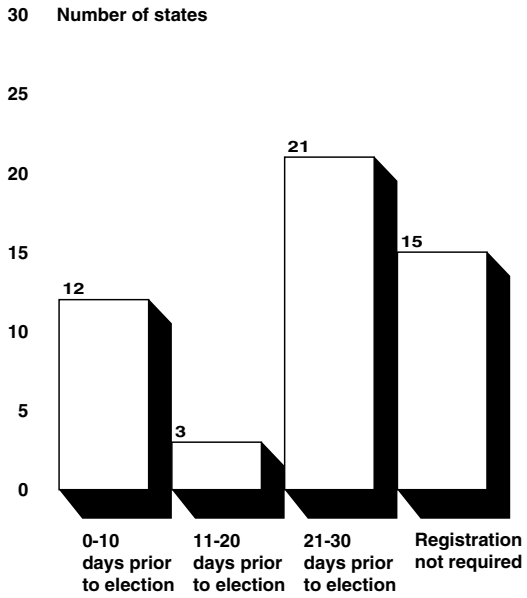
Military personnel and overseas voters must comply with varying deadlines for registering, requesting a ballot, and returning a voted ballot. Moreover, these deadlines may differ from deadlines applicable to other absentee voters. Requirements for registration and requesting an absentee ballot are published for each state in the Federal Voting Assistance Guide. In addition, states and local jurisdictions often maintain web sites with information on voting and election schedules as well as publish brochures that are sent to voters. Despite these efforts, some military and overseas voters and Voting Assistance Officers told us that the varying requirements resulted in confusion about when to register and/or request a ballot.

States' deadlines for registration range from 30 days before the election to election day. Fifteen states do not require prior registration,[2] including four states[3] that waive registration for only military voters. Figure 3 shows the variation in deadlines for registration.

[2] Arkansas, Illinois, Kansas, Massachusetts, Minnesota, Missouri, New Hampshire, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Utah, and Wisconsin.

[3] Illinois, New Hampshire, Ohio, and Wisconsin.

Figure 3: Absentee Registration Deadlines for Military and Overseas Voters in the 50 States and the District of Columbia



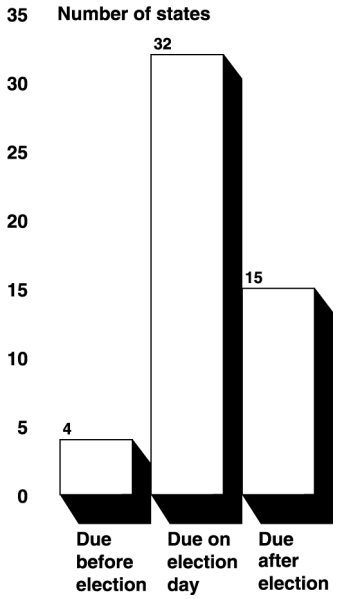
Source: GAO's analysis.

States also may have different deadlines for military and overseas voters who wish to register and request an absentee ballot in one step using the Federal Post Card Application as opposed to military and overseas voters who are registered but who use the same form to request an absentee ballot. The nonregistered voter must submit the application by the voter registration deadline, generally about 30 days before the election. However, the registered voter may have a later deadline to request an absentee ballot, often about 1 week before the election.

States also have different deadlines for receiving overseas ballots. As shown in figure 4, these extended deadlines range from the Friday before the election to 15 days after the election.[4] These extensions are necessary in some states to ensure that military and overseas absentee voters have at least 30 days between the time ballots are mailed and the deadline for receipt of voted ballots.

[4] For the 2000 election, Alaska, Arkansas, the District of Columbia, Florida, Iowa, Maryland, Massachusetts, Nebraska, New York, North Dakota, Ohio, Texas, Utah, Washington, and West Virginia had extended ballot deadlines for overseas absentee voters.

Figure 4: Absentee Ballot Deadlines for Overseas Voters in the 50 States and the District of Columbia



Source: GAO's analysis.

Many of the military and overseas voters and state and local officials with whom we spoke in person and in our telephone survey said that states should strive for uniformity in the election process, especially in regard to a uniform deadline for accepting ballots. Some county officials and representatives of overseas citizens groups thought that all votes should be received by and counted on election day. To accomplish this, election schedules would have to be changed in some states to ensure enough time for absentee voters to receive and vote their ballots.

Counties Vary in Implementing State Laws

Voters must also cope with registration and voting requirements that vary when local jurisdictions interpret state requirements differently. We found variation in how counties we visited in California, Florida, New Jersey, and Texas implemented state laws and regulations; some held strictly to the letter of the law and others applied more flexibility in accepting registration applications and ballots. The following examples illustrate this.

- In Florida, officials in three counties told us they allow registration of applicants who have never lived in the county but intend to live in Florida

in the future. Officials in the fourth county said it requires a specific address where the applicant actually lived.

- In California, officials in one county told us that there is no discretion in accepting ballots—either they meet the technical requirements completely or they do not meet them and are not accepted. On the other hand, officials in another county told us that if a returned ballot envelope lacks some information, such as an address, that is available on the return address, the ballot is accepted.
- In New Jersey, officials in three counties said they accepted any ballot that showed a signature anywhere on the ballot envelope to compare with registration documentation, while the fourth county disqualified any ballot where the envelope did not strictly meet all the technical requirements, including the placement of signatures.
- While Texas officials in each county told us that unsigned ballot return envelopes would not be accepted, officials in two counties told us that they would return such a ballot to the voter for a signature if time permitted.

Some election officials said they tried to help absentee voters, including military and overseas voters, comply with state and local registration requirements. They described activities such as tracking down missing information on the registration form or ballot envelope, ensuring that applications and ballots went to the right jurisdictions, and in some cases using overnight mail to speed up ballot distribution. For example, officials in several counties we visited said they phoned or wrote voters to get additional information needed to complete registrations or absentee ballot applications. One official said she had called FVAP to obtain information from military and overseas voters. Officials in one county we surveyed reported that their county had received a ballot that should have gone to a neighboring county, so they asked police to deliver the ballot to the correct voting jurisdiction.

Many Local Jurisdictions Notify Applicants of Registration But Not of Ballot Receipt or Acceptance

Many of the military and overseas voters we surveyed said that uncertainty about whether local election officials had received their applications was a problem for them. However, many local jurisdictions we visited and surveyed said that they provided some feedback on registration and absentee ballot applications and/or absentee ballots, although practices varied.

Based on the results of our nationwide survey, we estimate that 44 percent (with a confidence interval ranging from 32 to 56 percent) of counties notify voters overseas about the status of their absentee ballot

applications. We estimate that an additional 26 percent (with a confidence interval ranging from 17 to 37 percent) of counties notify overseas absentee voters if there is a problem with their application. During our visits to 16 counties, county officials in 14 (88 percent) of the counties said that they confirmed successful registration of military and overseas voters using the Federal Post Card Application return post card or some other notification, such as a voter registration card. Officials in the remaining two counties (12 percent) said they would contact applicants only if there was a problem with the application.

Notifying voters about whether their ballots were received and counted was not a standard practice. Based on our nationwide telephone survey, we estimate that 29 percent (with a confidence interval ranging from 20 to 40 percent) of counties nationwide notified absentee voters whether their ballots were disqualified. County officials we visited told us that notifying all absentee voters that their votes had been received would be burdensome or expensive. Officials in 5 of the 16 counties (31 percent) visited said that they notified voters whose ballots were not accepted for technical reasons, such as a nonmatching signature, so that the problem could be corrected for future elections.

Some voters expressed doubt that local jurisdictions count absentee ballots at all if they would not change the outcome of the election, especially if they were received during extended deadlines after election day. On the basis of our telephone survey, we estimate that between 98 and 100 percent of counties nationwide include absentee ballots in their certified vote totals. Officials in each of the 16 counties we visited confirmed that all ballots are included in certified totals, although ballots arriving during extended deadlines may not be included in totals announced on election night.

Absentee Voters and Election Officials Frustrated by Tight Time Frames

Military and overseas voters face tight time frames to accomplish the multiple steps required to vote by absentee ballot. Local election officials and FVAP agree that 30 days is the minimum time that is reasonable to expect that voters can receive ballots and return them, and FVAP recommends a 45-day interval between mailing ballots to voters and the deadline for receipt of voted ballots. However, late primaries, runoffs, and local issues are often not resolved in time to allow for a 45-day turnaround time. Moreover, voters must depend on mail services for timely delivery of ballots.

There is no requirement in the Uniformed and Overseas Citizens Absentee Voting Act for how much time states must allow for military and overseas voters to receive and return their ballots. However, according to FVAP, since 1976, the Department of Justice has taken legal action in 39 cases under the act and its predecessors (the Overseas Citizens Voting Rights Act of 1975 and the Federal Voting Assistance Act of 1955) to ensure that states and local jurisdictions provide absentee voters sufficient time to receive and return their ballots.

Based on our telephone survey, we estimate that 87 percent (with a confidence interval ranging from 79 to 93 percent) of counties nationwide mailed ballots in time to provide 30 days or more for receipt of the voted ballots, including about 16 percent (with a confidence interval ranging from 10 to 23 percent) of counties that we estimate provided ballots 45 days or more before the election deadline. Our fieldwork showed that 11 (69 percent) of the 16 counties visited mailed final ballots in time to provide 30 days or more for receipt of the voted ballots, including 5 (31 percent) counties that mailed final ballots to allow 45 days between mailing the ballot and the election deadline.

Because late primaries and difficulties in finalizing candidates and local ballot issues created tight voting time frames, Florida and California mailed advance ballots to absentee voters about 45 to 60 days before the election to ensure adequate time to return the voted ballots. However, these were draft ballots based on information available at the time and did not reflect the final certified slate of candidates and issues. Receipt of advance ballots in addition to the regular ballot confused some voters we spoke to.

Some states whose election schedules do not allow ballots to be available 30 days before the election sometimes extend the deadline for overseas voters. For example, two of the four states we visited—Florida and Texas—allow 10 days and 5 days after election day, respectively, for receiving overseas ballots. While such provisions give more time to absentee voters, they have also led to administrative requirements, such as postmarking to show that ballots are mailed from overseas on or before election day. Both state officials and citizens groups we spoke with agreed that these administrative requirements further complicate the election process.

Mail Systems Unpredictable for Military and Overseas Voters

While local election officials and absentee voters must take timely action to meet election schedule deadlines, neither can control the transport of the ballot materials and voted ballots through the mail. Some county officials in our telephone survey noted problems in timely mail delivery domestically and overseas, and some noted that overseas mail delivery is especially unpredictable.

Although some military voters voiced concern about postal systems, our review of Military Postal Service Agency[5] transit reports from September through December 2000 and our spot checks at four overseas locations in February and March 2001 did not identify systemic problems with the timeliness of mail delivery. Problems that we identified were generally related to units that were deployed close to or during the election period, such as voters on submarines, where mail service was interrupted.

Overseas voters who do not have access to the Military Postal System faced longer transit times and unreliable mail service. For example, international mail generally takes longer to deliver, particularly to remote locations, than mail within the United States. Some private carriers, such as DHL and Federal Express, transported ballots to the United States free of charge by air from some overseas locations, although not all overseas citizens had access to such services. Even though they originated from overseas, such ballots may not have been date stamped or postmarked until they arrived in the United States; in the states that extended receipt deadlines but required postmarking to prove votes were cast before election day, ballots lacking an overseas postmark or with a domestic postmark after election day may have been disqualified. See appendix IV for more information on postal issues.

[5] The Military Postal Service Agency is the single manager for the Military Postal System, which is responsible for mail transportation to and from military post offices worldwide, and operations of military post offices and two Joint Military Postal Activities located in New York City and San Francisco, California.

Increased Use of Technology in Elections Could Facilitate Voting Process but Poses Security Concerns

Communications technologies, such as faxing, e-mail, and the Internet, have the potential to improve communication between the local jurisdiction and the voter during some portions of the election process without creating undue security risks.[6] However, remote Internet-based registration and voting are unlikely to be implemented on a large scale in the near future because of serious concerns about protecting the security and privacy of the voted ballot.

State and local officials we visited said they used technology, such as faxing and e-mail, to improve communications with the voters and to alleviate the time pressures associated with election deadlines. For example, during the 2000 general election, 41 states allowed faxing of some election materials. However, some county officials voiced concerns with the security of faxing. While many counties would allow faxing of absentee ballot applications, county officials in 11 counties we visited said they would not fax ballots and/or accept a voted ballot by fax. Officials in one county told us they had accepted some voted ballots by fax on a case-by-case basis, if the voter also faxed a statement recognizing that the ballot could not be guaranteed secrecy. However, the security of the ballot and the possibility of violating voter anonymity represent serious concerns about expanding voting by fax.

FVAP provides a faxing service for military and overseas voters whose residences are in states that allow faxing of registration and ballot applications. The Federal Post Card Application has FVAP's toll free fax number so military members will not have to make a toll call to fax their registration or ballot application. FVAP then faxes the post card application to the local jurisdiction. According to FVAP's records, FVAP received and faxed 13,640 post card applications to local jurisdictions.

Some counties have used e-mail to improve communications with absentee voters by notifying applicants about problems with their applications and receiving requests for absentee ballots. One county reported that it had developed an electronic version of its ballot and the security envelope's affidavit that election officials e-mailed to voters who had indicated they would like to receive their ballots electronically. The voter could then print the ballot and mail the voted ballot and completed affidavit back to election officials. This method enabled the county to

[6] We are reviewing technology issues as part of our ongoing work on election issues for the Senate leadership.

distribute ballots quickly and ensure authenticity of the vote because the voter provided an original signature with the return ballot. The county reported positive comments from voters who used the electronic ballot option.

FVAP and some states and counties use the Internet to provide information on voting processes for military and overseas voters. For example, FVAP provides copies of the Voter Assistance Guide and the Federal Post Card Application on its web site[7] as well as links to other voting resources. The states and 16 counties we visited also used web sites to provide voting information to the public. In addition, each of the four states we visited made state voter registration forms available on the Internet.

There has recently been strong interest in Internet voting as a way to make voting easier and to increase participation in elections. Nearly a dozen states are considering allowing citizens to vote over the Internet. Some states have already piloted some forms of Internet voting. Studies on Internet voting have pointed out the potential for both positive and negative aspects. On the positive side, Internet voting is believed to have the potential to increase voter convenience and participation. According to a January 2000 report by the California Internet Voting Task Force,[8] Internet voting could increase access for millions of potential voters who do not regularly participate in California elections. Negative aspects include significant technological threats to the security and integrity of the registration and voting process and the secrecy of the Internet ballot, in addition to equity and access issues. A March 2001 report on Internet voting by the Internet Policy Institute[9] pointed out numerous and pervasive security risks associated with a remote voting system that could enable voters to cast ballots from virtually any location that is Internet accessible. That study asserted that current technology cannot resolve all the security and privacy challenges presented by large-scale use of remote voting over the Internet. However, the study concluded that using remote Internet voting systems may be appropriate in the near term for special

[7] www.fvap.ncr.gov.

[8] *California Internet Voting Task Force Report on the Feasibility of Internet Voting*, Jan. 2000.

[9] *Report of the National Workshop on Internet Voting*, Internet Policy Institute, sponsored by the National Science Foundation, Mar. 2001.

populations, such as the military and government employees and their dependents based overseas.

During the 2000 general election, FVAP conducted an Internet voting project that enabled 84 voters located in 21 states and 11 countries to vote over the Internet in 4 states—Florida, South Carolina, Texas, and Utah. While the project demonstrated that it was possible for a limited number of voters to cast ballots on-line using digital signatures and encryption, FVAP's project assessment[10] concluded that security concerns need to be resolved before expanding remote voting to a larger population at this time. In addition, the assessment pointed out that there are questions regarding the affordability and supportability of the technology at the county level. However, the assessment concluded that enabling voters to register, update their registration information, and request a ballot on-line could improve the timely delivery of ballots without the security risks of sending ballots over the Internet. Therefore, the FVAP assessment recommended implementing a broader scale pilot for remote registration and checking registration status to be integrated with voter registration systems in one to three states for the 2004 general election. The assessment also recommended that FVAP (1) continue to participate in the development of Internet registration and voting system standards, (2) support state legislative initiatives to allow remote registration and voting, and (3) continue research to identify solutions to outstanding issues to permit the eventual implementation and use of a remote registration and voting system.

[10] *Voting Over the Internet Pilot Project Assessment Report*, Department of Defense, Washington Headquarters Services, Federal Voting Assistance Program, June 2001.

Chapter 4: Limited Data Is Available on Disqualified Military and Overseas Absentee Ballots

Information was not available on the precise number of military and overseas absentee ballots that were cast and rejected nationwide in the 2000 general election. Based on our national telephone survey, we found that many counties could not provide data on how many absentee ballots they had received from military and overseas voters covered under the Uniformed and Overseas Citizens Absentee Voting Act and how many of these ballots they had disqualified.[1] We estimate that for small counties[2] —which were more likely than large counties to have this data—the disqualification rate for military and overseas absentee ballots was 8.1 percent nationwide (plus or minus 3.2 percent), whereas the disqualification rate for absentee ballots from civilians not living overseas was 1.8 percent (plus or minus 0.6 percent). Data from our respondents in large counties were similar to the data from small counties, but not enough counties provided the information to us to make a national estimate. Our survey results also show that, nationally, approximately two-thirds of all disqualified absentee ballots—including military and overseas ballots as well as other ballots—-were rejected because the ballots arrived too late or the envelopes or forms accompanying the ballots were not completed properly. We were not able to obtain sufficient data from respondents about the reasons ballots from specific groups of voters were disqualified to evaluate the disparity in disqualification rates between military and overseas voters and other voters.

Only limited data on disqualified ballots is collected by the Federal Voting Assistance Program. FVAP surveys selected local jurisdictions every 4 years, after presidential elections, to assess the effectiveness of assistance provided to military and overseas citizens. While the quadrennial survey collects some data on disqualified ballots, such as the number that came in after the election deadline, this data is insufficient to determine whether there are particular concerns regarding the disqualification of absentee ballots from military and overseas voters.

[1] In this report, we use the term "disqualified ballots" to refer to absentee ballots that did not meet state requirements and that were rejected prior to the vote counting process. For instance, the ballot may have been received after the deadline or may have lacked certain required information, such as the voter's signature on the outer envelope. We did not obtain information on ballots that were rejected during ballot counting due to problems discerning voter intent, such as failure to mark a candidate preference or selection of two candidates for the same office.

[2] In this report, we define "small" counties as those with a voting age population of less than 60,000 people. Using this standard, about 80 percent of counties nationwide are small and 20 percent are large. Approximately 22 percent of the national voting age population resides in small counties.

Furthermore, the results from the quadrennial survey cannot be projected to all U.S. voting jurisdictions. The lack of information on disqualified ballots could impede FVAP's ability to better target the information it provides to voters and to develop initiatives for states to adopt to make the voting process less challenging for military and overseas voters.

Many Counties Could Not Provide Detailed Information on Absentee Ballots

All of the counties responding to our telephone survey provided the total number of absentee ballots they had received in the 2000 general election. Most respondents also provided the total number of absentee ballots they had disqualified. However, when we asked county officials to provide more detailed data on the number of absentee ballots received from specific groups of voters, such as military and overseas citizens, and the number of these ballots rejected, many lacked the data altogether or provided only partial data. We estimate that 26 percent of counties nationwide (with a confidence interval ranging from 19 to 35 percent) could not provide all the following data for the 2000 general election:

- The number of absentee ballots received from military and overseas voters.
- The number of absentee ballots received from other absentee voters (civilians not living overseas).
- The number of ballots from these groups of voters that were disqualified.

For small counties—which as a group provided more detailed information on absentee ballots than did large counties—we estimate that 18 percent nationwide (with a confidence interval ranging from 10 to 30 percent) could not provide all this data; in contrast, we found that 60 percent of large counties nationwide (with a confidence interval ranging from 45 to 75 percent) could not provide all this data. Some local election officials we surveyed who did not provide this information told us they did not track the data and could not readily reconstruct it.

In terms of statewide data on absentee ballots, none of the four states we visited—California, Florida, New Jersey, and Texas—routinely require their local jurisdictions to track and report on the number of absentee ballots cast, the number that were disqualified, or the reasons for disqualification. State election officials said some counties tracked this kind of information on their own, while other counties did not.

Military and Overseas Absentee Ballots in Small Counties Were Disqualified at a Higher Rate Than Other Absentee Ballots

To estimate disqualification rates for absentee ballots, we estimated the number of ballots that local jurisdictions rejected and then divided this number by the estimated number of ballots received. Because some counties, particularly large counties, were unable to provide detailed absentee voting data, we could not reliably estimate disqualification rates for specific groups of voters nationally, including military and overseas voters. However, we received sufficient information to estimate disqualification rates for specific voter groups in small counties nationwide. These small county projections are not applicable to large counties or to the nation as a whole.

We estimate that, nationwide, local election offices received 13 million absentee ballots (plus or minus 2.7 million) in the 2000 general election. According to the Federal Election Commission, a total of 105 million votes for President was tallied in the election. Thus, the number of absentee ballots received represented 12.3 percent (plus or minus 2.6 percent) of the national vote total. The actual number of absentee votes included in the total was less than the number of ballots received because some ballots were disqualified prior to counting and additional ballots were likely rejected during the counting process. Based on our telephone survey, we estimate that 230,000 absentee ballots (plus or minus 50,000) were disqualified nationwide in the 2000 general election. We estimate that the disqualification rate for absentee ballots overall was 1.7 percent (plus or minus 0.3 percent).

When we focused on small counties alone, we found that military and overseas ballots were disqualified at a higher rate than ballots cast by civilians who were not living overseas. We estimate that the disqualification rate for military and overseas ballots in small counties nationwide was 8.1 percent (plus or minus 3.2 percent), whereas the disqualification rate for ballots belonging to civilians not living overseas was 1.8 percent (plus or minus 0.6 percent). Data from the responding large counties showed a similar pattern, although the data from large counties were not nationally projectable because many counties did not provide us with data.

Most Disqualified Ballots Were Received Too Late or Had Envelopes or Forms That Were Improperly Completed

Based on our telephone survey, we estimate that for all groups of absentee voters, 64 percent of disqualified ballots nationwide (plus or minus 7 percent) were rejected because the ballots arrived after the election deadline or the envelopes or forms accompanying the ballots were improperly completed. Another 35 percent (plus or minus 7 percent) were rejected for one of six other categories of reasons. These six categories of reasons were no postmark/date; late postmark/date; voter not registered/not qualified; envelope or form accompanying the ballot not properly witnessed, attested, or notarized; person already voted in this election; and other. The data from our survey on the reasons ballots from specific groups of voters were disqualified did not support meaningful comparisons among these categories. As a result, our survey results do not provide insight into why military and overseas absentee ballots in small counties had higher disqualification rates than other ballots.

Of the 16 counties we visited, 13 provided data on disqualified ballots. The available data showed that the greatest number of disqualified ballots belonging to military and overseas voters were rejected because they were received too late. These counties rejected at least 1,128 absentee ballots from military and overseas voters in the 2000 general election. Roughly 4 of every 10 of these disqualified ballots were rejected because they arrived after the election deadline.

In addition, available data from the counties we visited showed that about 1 of every 10 disqualified ballots from military and overseas voters was rejected because the envelope or form accompanying the ballot was not completed properly. Election officials cited voter error in filling out the absentee ballot envelopes as a major problem for all absentee voters, including military and overseas voters. They described voters' failure to provide critical information, such as a signature or valid residence in the local jurisdiction, as a primary reason ballots were rejected. Two counties in California took steps to reduce the number of ballots disqualified due to voter error by highlighting critical information a voter needed to supply. These counties reported that fewer voters made errors after the counties began including notices on brightly colored paper reminding voters to sign the ballot envelope.

Of the 16 counties we visited, only those in Florida reported that they disqualified some ballots that lacked a postmark/date or had a late postmark/date. Following the 2000 general election, Florida enacted changes to its election laws that clarify that ballots will not be rejected if they are signed, dated, and witnessed before election day. Texas had a 5-day grace period after election day for accepting overseas absentee

ballots. However, none of the four Texas counties we visited reported rejecting absentee ballots for postmarking reasons. California and New Jersey required all ballots to be received by election day, so a postmark requirement was not applicable.

Quadrennial Survey Collects Limited Data From Local Election Offices on Disqualified Ballots

Only limited data is collected by FVAP on the number of absentee ballots that are disqualified and the reasons for disqualification. As part of its responsibilities for reporting on the effectiveness of assistance provided to military and overseas voters, FVAP surveys selected local jurisdictions after every presidential election. The 2000 post-election survey was sent to 500 local election offices, including the largest jurisdiction as determined by voting age population in each of the 50 states and the District of Columbia and the next 449 largest jurisdictions wherever they were located. The local jurisdictions were not selected as the result of a random sample, so the results from the survey could not be projected nationally. The Director of FVAP has met with DOD survey experts to explore options for using a nationally projectable random sample.

The data collected through the quadrennial survey is not sufficient to enable FVAP to determine whether there are particular concerns regarding the disqualification of ballots cast by military and overseas voters. The survey asks how many absentee ballots received by the local election office were too late to be counted. The survey does not ask for data on the total number of absentee ballots disqualified or the number of ballots disqualified for specific reasons, other than those arriving too late. Furthermore, the survey does not ask for data that would allow comparisons between military and overseas absentee voters and other absentee voters. The Director of FVAP told us she would consider adding questions to the survey to collect more information on disqualified absentee ballots.

Representatives of overseas citizens groups we spoke with proposed that states be required to collect data from all local jurisdictions on overseas ballots and publish this data. The states, under these proposals, would collect data on the number of overseas voters who register, apply for a ballot, and cast a ballot, as well as the extent that ballots are disqualified and reasons for disqualification. The data could be used to measure the participation of overseas voters in the election process and to identify, and seek remedies to, obstacles to overseas voting. Some county election officials we interviewed said such a reporting requirement would be too burdensome. If FVAP were to conduct a nationally projectable survey using a random sample, it would collect data from a representative sample

of local election offices rather than from all local election offices as the overseas citizens groups have suggested. Furthermore, FVAP could work with local election offices before the next election to shape the survey and allow each of them time to establish a data collection system appropriate to their voting processes and resource levels. Officials of some local jurisdictions we surveyed told us that with advance planning they would be able to track information on absentee ballots.

In commenting on a draft of this report, DOD stated that FVAP will conduct a study on modifying its quadrennial survey instrument sent to local election officials to gather information on disqualified absentee ballots from military and overseas citizens and consult with its statisticians to determine the best sampling method. DOD stated in its comments that if the results of the study indicate that modifying the survey is feasible, then the changes would be implemented during 2004.

Chapter 5: Conclusions, Recommendations, and Agency Comments

Conclusions

Voters, state and local governments, the Department of Defense, and the Department of State all have roles to ensure that military and overseas citizens who wish to vote absentee are able to do so successfully. While voters have the ultimate responsibility for understanding and complying with state and local requirements for absentee voting, the process is complicated and must be completed in accordance with state and local requirements and time frames. State governments can make the process easier for absentee voters by eliminating requirements, such as notarization, and local officials can use technology to increase communications with absentee voters. However, when voters do not know the absentee voting procedures, they may not be able to correctly register and apply to receive ballots, and when they do not comply with the voting requirements in their states, their votes may be disqualified. Therefore, the Federal Voting Assistance Program, the military services, and the State Department play critical roles in educating and assisting voters.

DOD's FVAP has developed useful tools for educating voters on the absentee voting process, but many of the tools, such as the program's web site and toll free numbers, are underused because many military and overseas voters we spoke to were unaware that they existed or lacked access to them. Greater awareness of these tools may have alleviated the difficulties that some military and overseas citizens told us they experienced in registering and obtaining absentee ballots during the 2000 general election and could have led more people to apply to vote. The military services' voter assistance programs are designed to be a principal means of getting such voting information to military members and their dependents in the United States and overseas, but these programs have not been as effective as they could be if adequate numbers of Voting Assistance Officers were identified and trained as required to give assistance to voters. While some military installations and units had exemplary programs to assist members who wished to vote absentee, others did not assign a sufficient number of Voting Assistance Officers, provide military personnel with required briefings, or have adequate supplies of voting materials.

The services' uneven implementation of DOD guidance for appointing and training Voting Assistance Officers, training servicemembers, and undertaking inspections has meant that all military voters may not have had access to the information they needed to vote. Inadequate service guidance on voting programs appeared to be one of the principal reasons that some installations lacked programs that met minimum DOD standards. In the absence of service guidance that reflects all DOD requirements, some Voting Assistance Officers may have been confused

about the scope of their duties, particularly when faced with other demands on their time. In addition, the lack of DOD-wide criteria for determining how many voters a Voting Assistance Officer can reasonably be expected to serve resulted in Voting Assistance Officers being spread too thinly at some installations. Assigning voting officers responsibility for serving hundreds of individuals, in addition to their normal duties, could make it difficult for them to comply with DOD requirements such as providing mandatory briefings and delivering Federal Post Card Applications to all military personnel in an election year.

Uneven command support and limited oversight and evaluation of service voting assistance programs also undermined the effectiveness of some installations' voting programs. The absence of routine monitoring of voting assistance activities by senior service officials and commanders appeared to have sent signals at some installations that voting assistance programs were not a priority, thus providing little incentive for Voting Assistance Officers to accord voting assistance significant attention when weighed against many other competing duties. Further, the lack of oversight and evaluation deprived the services of a system to identify and address weaknesses in their assistance programs and share lessons learned. Adequate oversight of the military installations' voting programs might have identified program weaknesses in time to improve services during the 2000 general election. Moreover, the absence of routine oversight of the services' voting programs has meant there has been little communication of positive examples of successful strategies for encouraging voter participation and dissemination of voting information.

While the dispersion of over 3 million U.S. citizens living outside the United States presents a complicated challenge to voter education and assistance by embassies and consulates, we believe better oversight and outreach to overseas citizens by the State Department could increase the number of citizens living overseas who choose to vote and reduce the extent to which they experience problems when applying for or casting ballots. Some embassies and consulates have developed successful outreach efforts to reach U.S. citizens who are interested in exercising their voting rights and who may not live near diplomatic posts, but the Department does not have a mechanism for sharing these efforts. Moreover, the Department has not provided systematic oversight of its voting assistance programs. As with the military services, more oversight by State's Bureau of Consular Affairs would help ensure that diplomatic post personnel understand and carry out their responsibilities. For example, more oversight may have enabled the Department to identify the need for more training of embassy and consulate personnel and facilitated

compliance with program guidance such as ordering adequate supplies of voting materials.

Although efforts by DOD and State to improve the quality of their voting assistance programs would be beneficial to voters covered by the Uniformed and Overseas Citizens Absentee Voting Act, varied state procedures for requesting and completing absentee ballots, along with continued reliance on traditional mail systems, may mean that some voters will continue to experience problems in applying for and casting absentee ballots unless further steps are taken to make the process easier for these voters. For example, often the short time between the date that absentee ballots are mailed and the deadline for receiving the voted ballots is one of the major obstacles to successfully voting from overseas. FVAP has worked with state election officials to highlight challenges faced by military and overseas voters and encourage changes to make military and overseas absentee voting easier. FVAP should continue to work with states to adopt the act's recommended provisions, implement FVAP's legislative initiatives, and support greater use of technology to improve communications with voters. In the aftermath of the 2000 general election, many states are reexamining their absentee voting procedures and may be more open to making changes recommended by FVAP.

One factor that complicates DOD's ability to target its efforts to improve voter education and work with states is the lack of national-level data on the numbers and causes of disqualified ballots cast by military and overseas voters. While our survey showed that all counties did not keep this data, many of the smaller jurisdictions we contacted and some larger ones were able to reconstruct the data from ballot material they had kept. Several more said that, with advance notice, they could have compiled the information as absentee ballots came in, although they could not do so after the fact. FVAP's current quadrennial survey of local election officials does not ask for data on the numbers of ballots disqualified or reasons for disqualification. Moreover, this survey does not include a randomly selected sample of local jurisdictions that would lead to national level projections. However, FVAP could work with a randomly selected group of local jurisdictions to modify its survey to include such information. Collection and analysis of this information over time could be useful in helping assess whether efforts to improve voting assistance and work with states have a positive impact on military and overseas voters being able to vote. Moreover, such information should help Congress assess the extent to which military and overseas ballots are disqualified and evaluate the need for legislative remedies.

Recommendations for Executive Action

To increase the effectiveness of DOD's voting education and assistance programs for military and overseas voters, we recommend that the Secretary of Defense direct the military service secretaries to take the following actions:

- Develop voting assistance directives that fully reflect the requirements of DOD Directive 1000.4. Specifically, the services' guidance should specify that trained installation and unit Voting Assistance Officers should be appointed, that service Inspectors General review the voting assistance program during inspections, that instruction on the absentee ballot process be provided to all servicemembers, and that the voting assistance program undergo continuous evaluation. In addition, the services should clarify their guidance to clearly establish who is responsible for providing voting materials to installations and Voting Assistance Officers. The services should complete modifications to their guidance by the end of 2001.
- Require that the Senior Service Voting Representative monitor installations' voting assistance programs, including the level of command support, and periodically provide briefings to FVAP that detail the services' efforts to meet the requirements outlined in the DOD directive and submit a final report by June 30th of odd-numbered years.

In addition, we recommend that the Secretary of Defense direct the Director of the Federal Voting Assistance Program to take the following actions:

- Consult with the services and revise DOD Directive 1000.4 to establish recommended ratios of Voting Assistance Officers to population served.
- Actively collect and share best practices identified by service and State Department voting assistance programs.
- Develop a methodology, in conjunction with states and local jurisdictions, to gather nationally projectable data on disqualified military and overseas absentee ballots and reasons for disqualification. FVAP should do this by modifying its quadrennial survey of local election officials, analyzing the data, and publishing this analysis in its quadrennial election report to Congress. As part of this methodology, FVAP should select a random sample of jurisdictions to participate in the survey for an extended period, such as 12 years. FVAP should work with state and local election officials before the next election so respondent counties can provide input to redesign the survey and establish the necessary means for tracking data.

To improve embassies and consulates' abilities to provide assistance to overseas citizens in voting absentee, we recommend that the Secretary of State direct the Assistant Secretary of State for Consular Affairs to take a more active role in overseeing the program by establishing:

- Processes for improving oversight and consistency across embassies and consulates, including
  - reminding posts more frequently of Foreign Affairs Manual and related guidance for ordering supplies and using the military postal system and the diplomatic pouch,
  - providing additional information and resources for training, and
  - requiring that posts provide lessons learned after every presidential election.
- Initiatives to improve outreach, including
  - identifying "best practices" in a forum accessible to embassies and consulates such as the Consular Affairs web site and
  - improving coordination with FVAP to expand the dissemination of voting information.

Agency Comments

DOD agreed with the overall findings and recommendations in this report. In its comments on a draft of this report, DOD stated that it is revising its guidance to emphasize the services' responsibilities to oversee and monitor their voting assistance programs and to address the collection and reporting of best practices in voting assistance programs. In our draft report, we recommended that the services submit reports on their implementation of the voting program 3 months after presidential elections. In its comments on our draft report, DOD stated that guidance to be issued in October 2001 will require the services to report their program evaluation and assessment to the Director of FVAP by June 30th of odd numbered years. We changed our recommendation to reflect the time frame in DOD's draft guidance. Also, DOD stated that FVAP will conduct a study to determine the feasibility of modifying its current survey of local election officials to gather information on disqualified absentee ballots from military and overseas citizen. DOD's comments are reprinted in appendix VI.

The State Department also agreed with the findings and recommendations in the draft report. It noted that its Bureau of Consular Affairs is undertaking efforts, such as developing an action plan for enhancing its voting assistance program and more systematically collecting and disseminating voting assistance best practices, that address some of our

recommendations. The State Department's comments are reprinted in appendix VI.

Appendix I: Organizations and Locations Visited

Our work at military installations was conducted jointly with the Department of Defense's (DOD) Inspector General, and our work at embassies and consulates was conducted jointly with the Department of State's Inspector General. The following sites were visited by us and/or the Inspectors General of the Departments of Defense and State.

Department of the Army
Camp Eagle, Republic of Korea
Camp Long, Republic of Korea
Camp Page, Republic of Korea
Camp Zama, Japan
Fort Bliss, Texas
Fort Bragg, North Carolina
Fort Hood, Texas
Fort Monmouth, New Jersey
222nd Base Support Battalion, Baumholder, Germany
293rd Base Support Battalion, Mannheim, Germany
Yongsan Garrison, Republic of Korea

Department of the Navy
Fleet Activities Yokosuka, Japan
Naval Air Facility Atsugi, Japan
Naval Air Station Pensacola, Florida
Naval Air Station Sigonella, Italy
Naval Station San Diego, California
Naval Support Activity Gaeta, Italy
Marine Corps Air Station Iwakuni, Japan
Marine Corps Base Camp Smedley D. Butler, Japan
Marine Corps Base Camp Pendleton, California

U.S.S. *Albany (SSN 753)*
U.S.S. *Briscoe (DD 977)*
U.S.S. *Helena (SSN 725)*
U.S.S. *Hopper (DDG 70)*
U.S.S. *Kitty Hawk (CV 63)*
U.S.S. *LaSalle (AGF 3)*
U.S.S. *Milius (DDG 69)*

Department of the Air Force
Beale Air Force Base, California
Eglin Air Force Base, Florida
Incirlik Air Base, Turkey
Kadena Air Base, Japan
Kunsan Air Base, Republic of Korea

McGuire Air Force Base, New Jersey
Ramstein Air Base, Germany
Randolph Air Force Base, Texas
Royal Air Force Alconbury, the United Kingdom

Department of State
U.S. Embassy, Paris
U.S. Embassy, London
U.S. Embassy, Rome
U.S. Embassy, Tokyo
U.S. Embassy, Tel Aviv
U.S. Consulate General, Frankfurt

Appendix II: Telephone Survey Methodology

To estimate the number of absentee ballots disqualified in the 2000 general election and to gather other absentee voting data, we conducted a national telephone survey of randomly selected local election offices. To expedite the survey and meet reporting time frames, we used an existing sample of counties that was drawn for our study of polling place accessibility,[1] supplemented by additional samples to increase population coverage and the precision of our estimates. Altogether, we randomly selected 165 counties. The estimates from our survey results can be projected nationally.

Sample Construction

The existing sample of counties had been selected as part of a two-stage sampling method designed to select polling places within each voting jurisdiction. The first stage was the selection of counties drawn randomly from a population of 3,074 counties in 47 states and the District of Columbia. [2] The counties in the population were weighted by their voting age population (age 18 and over). A probability proportional to size sampling method was used so that for each county the probability of selection would be proportional to the size of its voting age population, with more populous counties being more likely to be selected than less populous counties. We randomly selected, with replacement,[3] 100 counties using this method.

Because the population covered by this sample did not cover all 50 states and because it included relatively few counties with small voting age population, we needed to draw supplemental samples for this survey. We designed this supplement by sampling counties from Alaska, Hawaii, and Oregon and by sampling counties from among counties with smaller voting age populations in the rest of the country. The results of the existing and supplemental samples were combined to form an estimate for the entire population.

[1] *Voters with Disabilities: Access to Polling Places and Alternative Voting Methods* (forthcoming).

[2] Alaska and Hawaii were excluded from the population for cost and efficiency reasons because our staff were planning to visit polling places in the selected counties. Oregon was excluded because, since 1998, elections in that state have been conducted almost exclusively by mail.

[3] Selection with replacement means that selected units (in this case, counties) are not withdrawn from the population as new units are selected. Thus, it is possible that some units may be selected more than once for the sample.

Survey Development and Administration

We developed a questionnaire to gather absentee voting data and other information from the local election offices in our sample. For quality assurance, we pretested the questionnaire with local election officials. Our staffmembers selected as interviewers were trained on the protocol for contacting local election officials, administering the survey, and recording the data. We notified local election offices that they had been selected for our study and then sent them a written copy of the questionnaire. We gathered their responses through one or more telephone calls. We did not independently verify their responses, and we do not know the extent to which local election officials consulted appropriate records to provide the requested data or provided accurate responses. However, we asked them follow-up questions to key items in our survey to gain a better understanding of their responses, and in some cases we made multiple calls to the jurisdiction to clarify responses.

Sampling Error

All sample surveys are subject to sampling error—that is, the extent to which the survey results differ from what would have been obtained if the whole population had been observed. Measures of sampling error are defined by two elements, the width of the confidence intervals around the estimate (sometimes called the precision of the estimate) and the confidence level at which the intervals are computed. The confidence intervals refer to the fact that other samples we might have drawn could have provided a different point estimate. Therefore, we express our confidence in the precision of this particular sample as intervals surrounding the point estimates. For example, a point estimate of 75 percent, plus or minus 5 percentage points, means that the true population value is estimated to lie between 70 and 80 percent, at some specified level of confidence. The confidence level is a measure of the certainty that the true value lies within the range of the confidence interval. Confidence intervals for each statistical estimate in this report are computed at the 95-percent confidence level.

Response Rates

Our overall response rate to the telephone survey was 92 percent. In conducting our analysis, we assumed that nonrespondents would have answered like respondents–an often-used assumption in survey methodologies. The response rate to individual questions in the survey varied considerably. Many counties, particularly large counties, in our sample did not provide detailed data we requested on the number of ballots received from specific groups of voters, including military and overseas voters, and the number of these ballots they rejected. As a result,

we could not make reliable national estimates for some of the questions in our survey.

Appendix III: Congressional Authority in Elections

In our March 2001 report,[1] we concluded, in summary, that the constitutional framework for elections contemplates both state and federal roles. States are responsible for the administration of both their own elections and federal elections. States regulate various phases of the election process and, in turn, incur the costs associated with these activities.

Notwithstanding the state role in elections, Congress has authority to affect the administration of elections in certain ways. Congressional authority to legislate in this area derives from various constitutional sources, depending on the type of election. With regard to the administration of federal elections, Congress has constitutional authority over both congressional and presidential elections.

- Congress' authority to regulate congressional elections derives primarily from Article I, Section 4, Clause 1 of the Constitution (known as the Elections Clause). The Elections Clause provides that the states will prescribe the "Times, Places and Manner" of congressional elections, and that Congress may "make or alter" the states' regulations at any time, except as to the places of choosing Senators. The courts have held that the Elections Clause grants Congress broad authority to override state regulations in this area. Therefore, while the Elections Clause contemplates both state and federal authority to regulate congressional elections, Congress' authority is paramount to that of the states.
- With respect to presidential elections, the text of the Constitution is more limited. Specifically, Article II, Section 1, Clause 4 provides that "Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States." Despite this limited language, the Supreme Court and federal appellate courts have upheld certain federal statutory provisions regulating presidential elections that go beyond regulating the "time" of choosing the electors. However, because federal legislation that relates solely to the administration of presidential elections has been fairly limited, case law on this subject has been sparse. Consequently, the precise parameters of Congress' authority to pass legislation relating to presidential elections have not been clearly established.

[1] For a full explanation regarding this issue see *Elections: The Scope of Congressional Authority in Election Administration* (GAO-01-470, Mar. 13, 2001).

For state and local elections, Congress does not have general constitutional authority to legislate regarding the administration of these elections. However, Congress has the authority, under a number of constitutional amendments, to enforce prohibitions against specific discriminatory practices in all elections, including federal, state, and local elections. For example, constitutional amendments prohibit voting discrimination on the basis of race, color, or previous condition of servitude (Fifteenth Amendment), sex (Nineteenth Amendment), and age (Twenty-sixth Amendment). In addition, the Equal Protection Clause of the Fourteenth Amendment provides that no state shall "deny to any person within its jurisdiction the equal protection of the laws." Each of these Amendments contains an enforcement clause, allowing Congress to pass legislation to enforce the substantive rights promised in the Amendment. In addition to direct regulation of the administration of elections, Congress may, in the exercise of its spending power, encourage state action by attaching certain conditions to the receipt of federal funds.

Congress has passed legislation relating to the administration of both federal and state elections, pursuant to its various constitutional powers. Federal legislation has been enacted in several major functional areas of the voting process. These areas include the timing of federal elections, voter registration, absentee voting requirements, accessibility provisions for the elderly and handicapped, and prohibitions against discriminatory voting practices.

Appendix IV: Effect of Delivery Systems on Transit Time and Postmarking

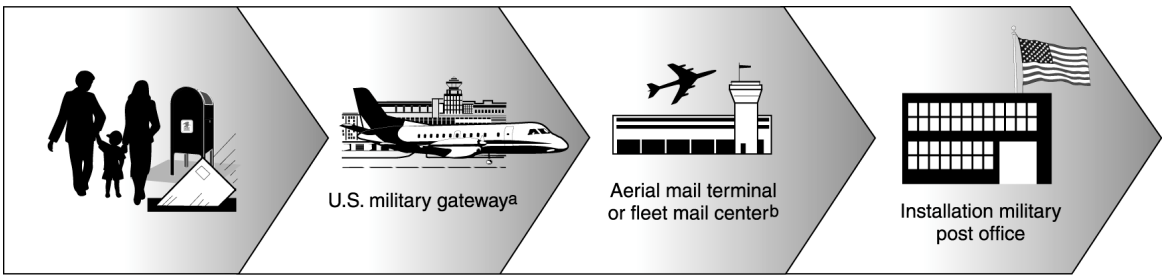
Overseas military servicemembers and civilians overseas use a variety of delivery systems to transmit voting materials. Delivery times for these systems—the Military Postal System Agency, State Department's Diplomatic Pouch Mail Service, international mail, and private mail carriers—range from days to weeks to transmit voting materials, which are considered first-class letter mail. Postmarking requirements also vary by system. First-class letter mail delivered through the Military Postal System and international mail is postmarked overseas, whereas mail delivered through diplomatic pouch or private carriers may or may not be postmarked until it arrives in the United States. A DOD post-election survey of first class mail and our spot checks at four overseas locations of postmarking did not uncover systemic problems in the delivery of first-class letter mail without postmarks when delivered through the Military Postal System. However, during our reviews at local voting jurisdictions, we saw examples of ballots that were disqualified for lacking postmarks or for having domestic postmarks.

Average Transit Time for Military Mail is Under 10 Days, but Can Be Much Longer During Deployments at Sea

As illustrated in figure 5, after first-class letter mail is taken from a local U.S. Postal Service mailbox, the U.S. Postal Service transports it to a military gateway in New York, San Francisco, or Miami for shipment overseas.[1] It is then shipped by commercial airlines to an overseas aerial mail terminal or fleet mail center, where responsibility for the mail transfers from the U.S. Postal Service to the Military Postal Service Agency. The Military Postal Service Agency then transports the mail to an installation military post office.

[1] U.S. Postal Service military mail gateways are the initial entry and exit points for overseas mail.

Figure 5: Typical Flow of First-Class Letter Mail to Military Personnel



[a]John F. Kennedy International Airport, New York; San Francisco International Airport, California; and Miami International Airport, Florida.
[b]Aerial Mail Terminals: London, United Kingdom; Frankfurt, Germany; Brussels, Belgium; Madrid, Spain; Athens, Greece; Istanbul, Turkey; Tokyo, Japan; Seoul, Korea; Sydney, Australia; Okinawa, Japan; and Fleet Mail Centers: Rome, Italy; Naples, Italy; Sicily, Italy; and Manila, Philippines.

Source: GAO.

Delivery of first-class letter mail to military personnel on ships, submarines, and aircraft carriers differs because the personnel cannot send or receive mail until they go into or near a port or their submarines temporarily surface. In these cases, instead of being sent directly to a military post office, first-class letter mail is delivered to an overseas location according to mail routing instructions for each deployed ship, submarine, and aircraft carrier. For example, mail routing instructions for a ship deployed to Haifa, Israel, generally call for mail to be sent to Tel Aviv International Airport, where a private contractor will pick up and store the mail in a secure location, normally in the contractor's warehouse or at an embassy or a consulate, until the ship is ready to receive mail. Mail for deployed personnel can also be delivered by aircraft specially designed to land on aircraft carriers and perform limited missions, such as mail pickup and delivery. These aircraft will fly into a fleet mail center to pick up and drop off mail, and then fly back to the aircraft carrier. In addition, submarines that are at sea will sometimes temporarily surface and, at that time, receive and send mail, but such surfacings are rare. For example, one submarine we visited did not receive mail for 60 days during a deployment around the November 2000 election.

DOD's standard for mail delivery is a transit time of 7 days for 80 percent of first-class letter mail. However, mail to and from remote areas, such as Bosnia or Kosovo, may take an average of 9 days. Our analysis of Military Postal Service Agency transit reports between September 9 and

December 1, 2000, showed that, on average, first-class letter mail was delivered within 5 days[2] for nondeployed personnel. On the basis of limited spot checks of incoming first-class letter mail conducted during our February and March 2001 visits at four overseas locations,[3] we found that of the 818 pieces of mail we reviewed, 74 percent were delivered within 7 days.[4]

Overseas Citizens Use a Variety of Mail Delivery Systems

Overseas citizens who did not have access to a military post office used a variety of mail delivery systems to send absentee ballots to the United States, such as the Department of State's Diplomatic Pouch Mail Service and international mail systems. According to responses from cable inquiries to embassies and consulates, both of these systems can involve long time periods for mail delivery, sometimes up to 1 month, depending on the country of origin. As an alternative, some citizens used private companies or sent mail back with friends or coworkers traveling to the United States. Table 3 lists how the 45 federal employees and 53 private citizens who completed our questionnaire and voted absentee reported sending their ballots.

Table 3: Systems Used by Federal Employees and Private Citizens to Send Ballots

System used	Federal employees	Private citizens	Total
International mail	1	28	29
Diplomatic pouch mail service	2	1	3
Military post office	27	3	30
DHL or Federal Express	6	11	17
Other	6	10	16
Total	**42**[a]	**53**	**95**

[a]Three federal employees did not respond as to how they forwarded their ballots to the local election official.

Source: Questionnaires completed by U.S. citizens in France, Germany, Israel, Italy, Japan, and the United Kingdom.

[2] The 5-day average does not include the length of time first-class letter mail remains at U.S. Postal Service military gateways.

[3] Military post offices were located at Ramstein Air Force Base, Germany; Baumholder Army Installation, Germany; Mannheim Army Installation, Germany; and Sigonella Fleet Mail Center, Italy.

[4] Of the incoming letter mail trays, we selected every 10th letter, depending on the number of letters in the tray, and noted the postmark on the envelope and compared the postmark with the date it arrived at the military post office.

The Department of State authorizes all overseas U.S. citizens to use the Diplomatic Pouch Mail Service at embassies and consulates for mailing voting materials. All pouch mail is delivered to Dulles International Airport in Virginia and processed at a U.S. Postal Service facility in Sterling, Virginia. However, the State Department does not encourage the use of the Diplomatic Pouch Mail Service because it often involves delivery delays. With Diplomatic Pouch Mail Service, there are no standard delivery times from sender to receiver. Mail delivery ranges from 2 to 5 weeks, largely depending on the location from which it is sent. According to overseas citizens, international mail, particularly from remote locations, can take about 1 month.

DHL Worldwide Express and Federal Express, two private contractors, delivered absentee ballots, free of charge, to the United States from several overseas locations. According to a DHL official, an informal agreement was made with embassy and consulate officials to allow DHL to provide such service. DHL agreed to deliver absentee ballots by November 1, 2000; however, if ballots needed to be delivered after November 1st, DHL agreed to deliver them, but it could not guarantee their arrival date. DHL officials estimate that their company delivered 10,000 absentee ballots.

Mail Is Postmarked Overseas or Domestically Depending on the Delivery System

The Military Postal Service Agency requires all first-class letter mail, including absentee ballots that are postage paid mail, to be postmarked upon acceptance at military post offices. This requirement also applies to a ship at sea with a post office on board. On submarines, which do not have post offices, administrative officers collect and hold the mail until the submarines temporarily surface or go into port. At this time, the mail is taken off the submarines to a military post office where it will be postmarked.

Results from a DOD survey concluded that less than 1 percent of the mail coming into the United States from overseas did not comply with the postmark requirement. This survey, conducted in December 2000 by the Military Postal Service Agency, was based on a judgmental selection of approximately 78,000 pieces of first-class mail at the Agency's Joint Military Postal Activities in New York City and San Francisco, the initial entry and exit points in the United States for overseas mail delivered through the military postal system. Our spot checks of postmarks at four overseas military postal locations, conducted between February and March 2001, revealed no evidence of systemic problems with missing postmarks. Because both of these reviews were conducted after the

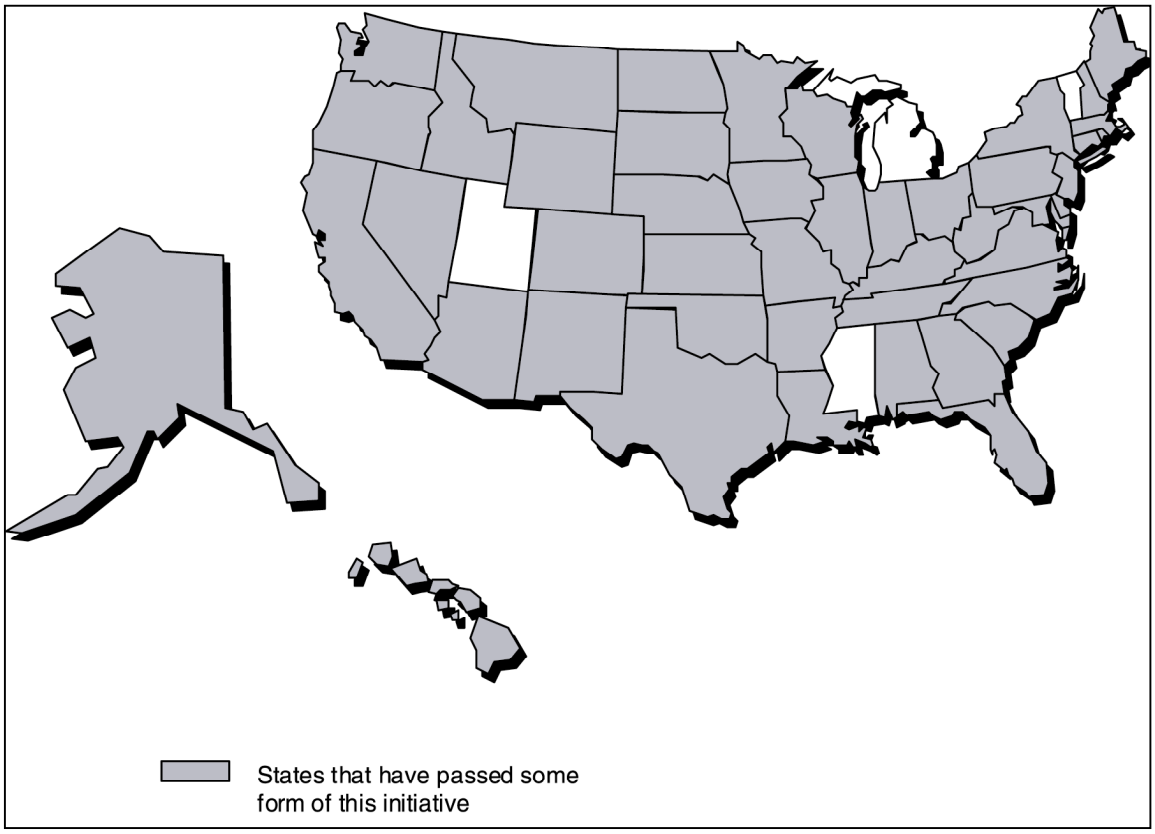
election, they do not reflect any problems that may have occurred up to the election.

Voting materials mailed through the Diplomatic Pouch Mail Service were not required to be postmarked until they entered the U. S. Postal System in Sterling, Virginia. Similarly, ballots delivered to the United States by private contractors may not have received overseas postmarks. Without overseas postmarks, some absentee ballots may be disqualified. In our visits to counties, we saw some examples of ballots without overseas postmarks that were disqualified. In other cases, jurisdictions accepted them if they could determine through other means (i.e., date absentee voter signed ballot) that the ballots were cast before election day.

Appendix V: Implementation of Federal Voting Assistance Program Initiatives in the States

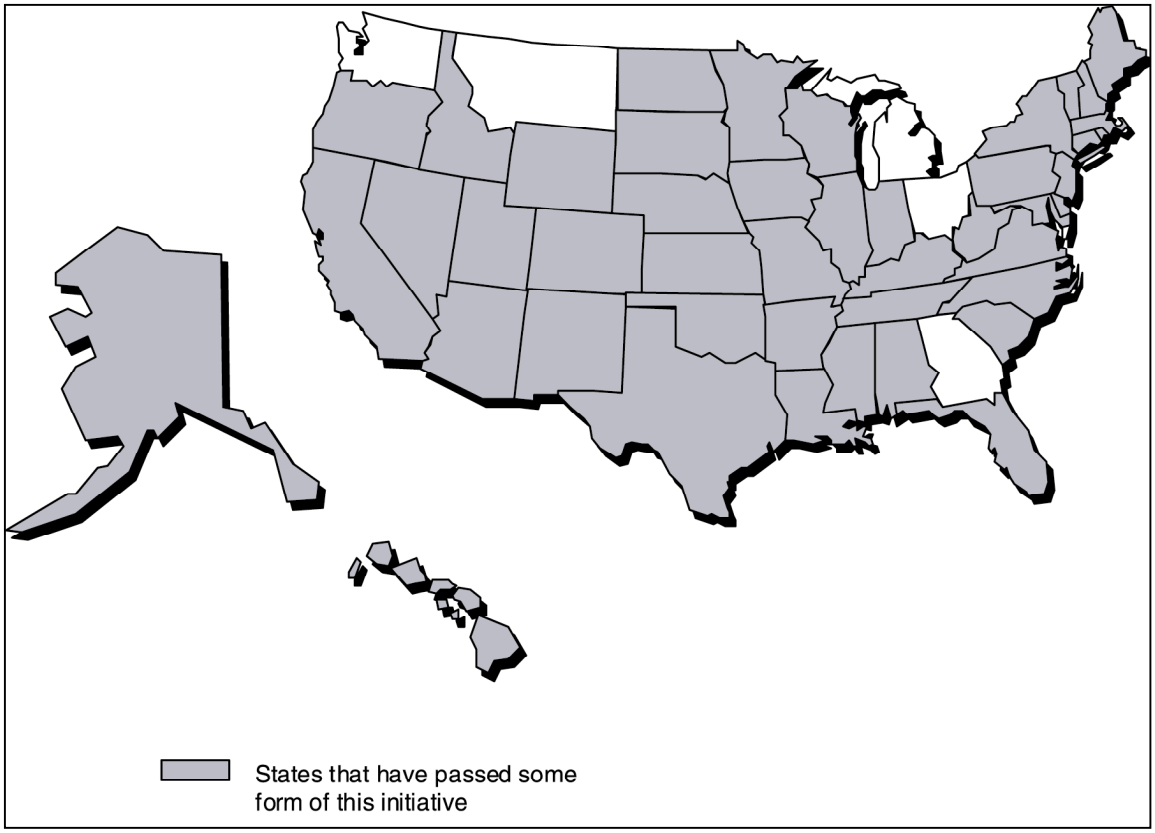
The Federal Voting Assistance Program (FVAP) has encouraged states to adopt 11 legislative initiatives designed to facilitate voting for military and overseas citizens. Many states have implemented some of these proposals. Moreover, as a result of issues identified during the 2000 general election, many states are examining the need for changes to their requirements. Figures 6-16 are based on data provided by FVAP as of July 2001 and may reflect changes made since the 2000 general election.

Figure 6: States That Have Eliminated the Notarization Requirement on Absentee Voting Materials



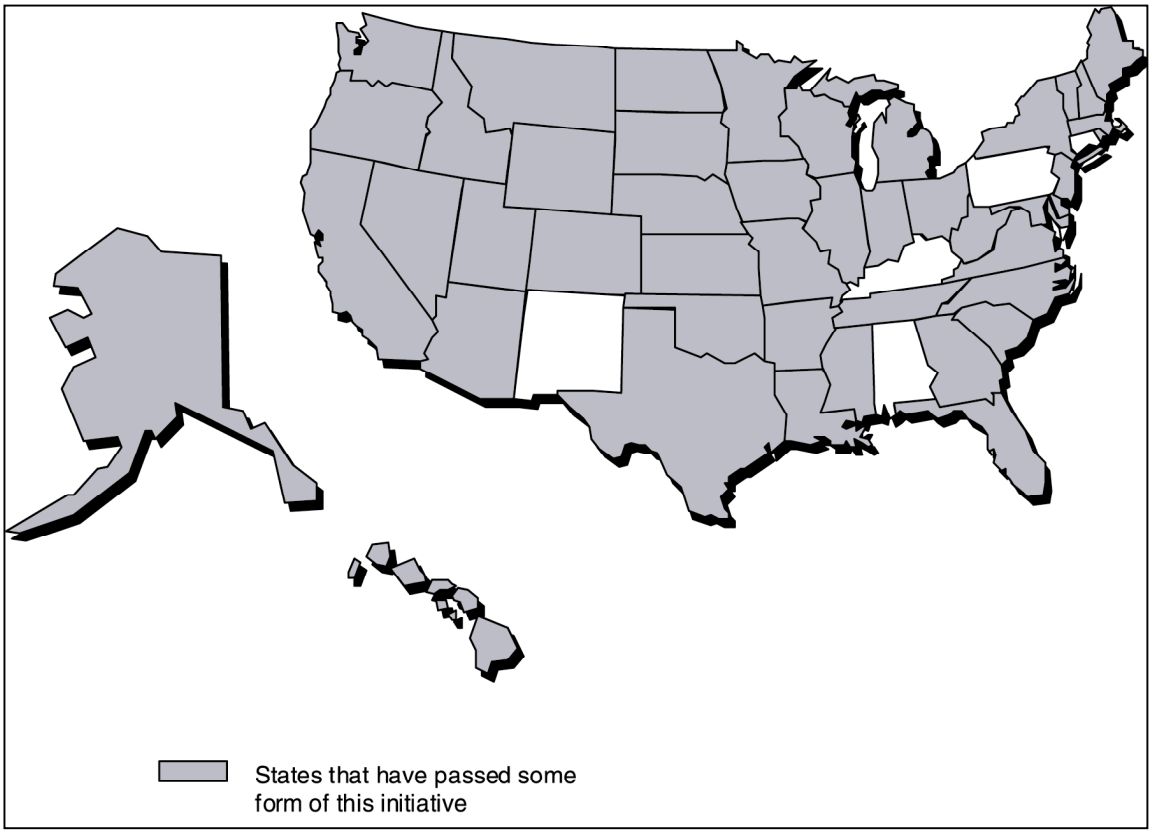
To date, 46 states and the District of Columbia have eliminated the notary requirement for absentee voting materials.

Figure 7: States That Have Eliminated "Not Earlier Than" Acceptance Dates to Accept Requests for Either Registration or Absentee Ballots



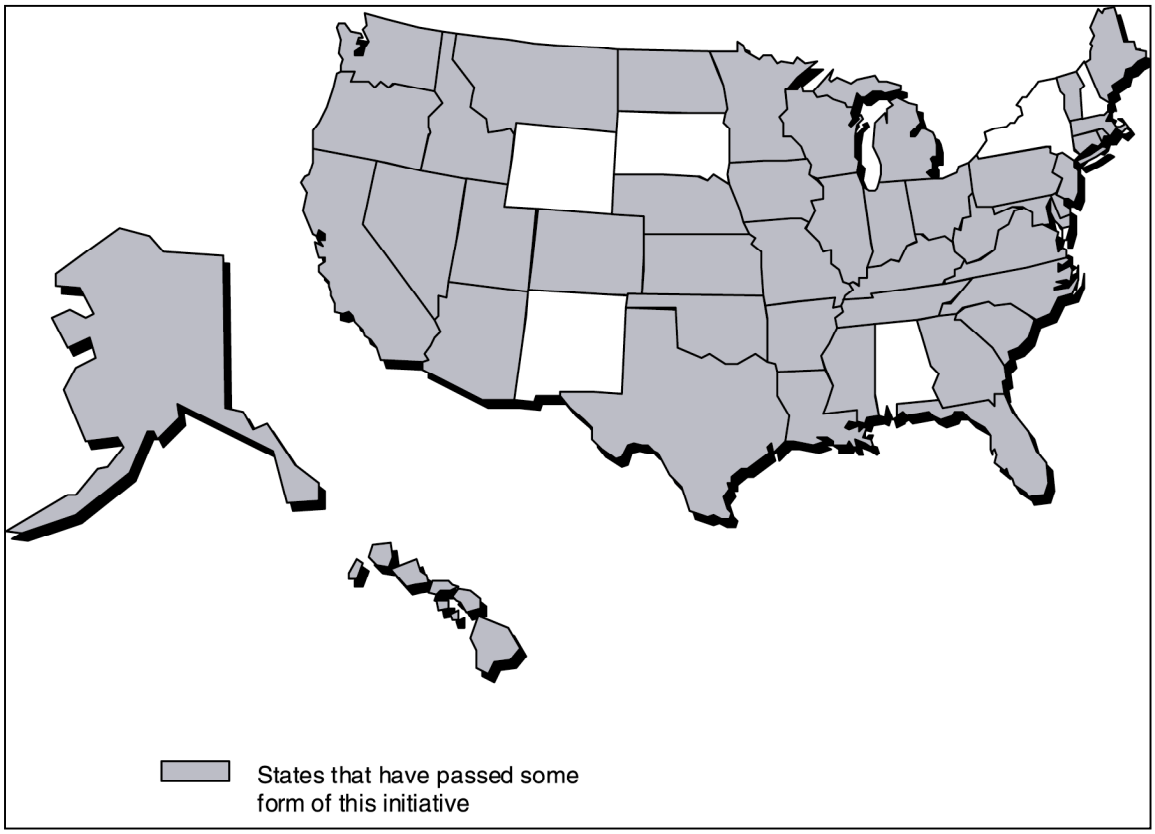
Forty-five states and the District of Columbia have removed the "not earlier than" acceptance dates.

Figure 8: States That Allow the Use of One Federal Post Card Application for All Elections in a Calendar Year



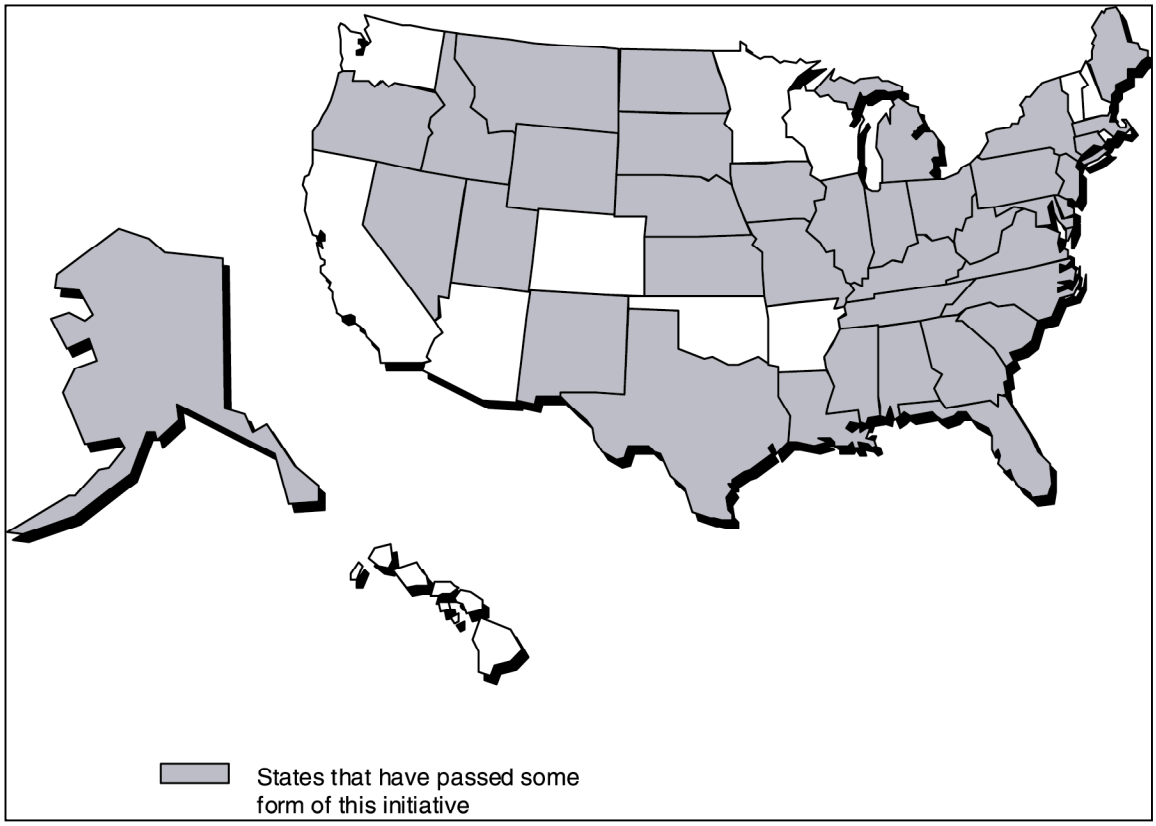
Currently, 45 states and the District of Columbia accept one absentee ballot request for both primary and general elections during a calendar year.

Figure 9: States That Allow the Electronic Transmission (Faxing) of Election Materials



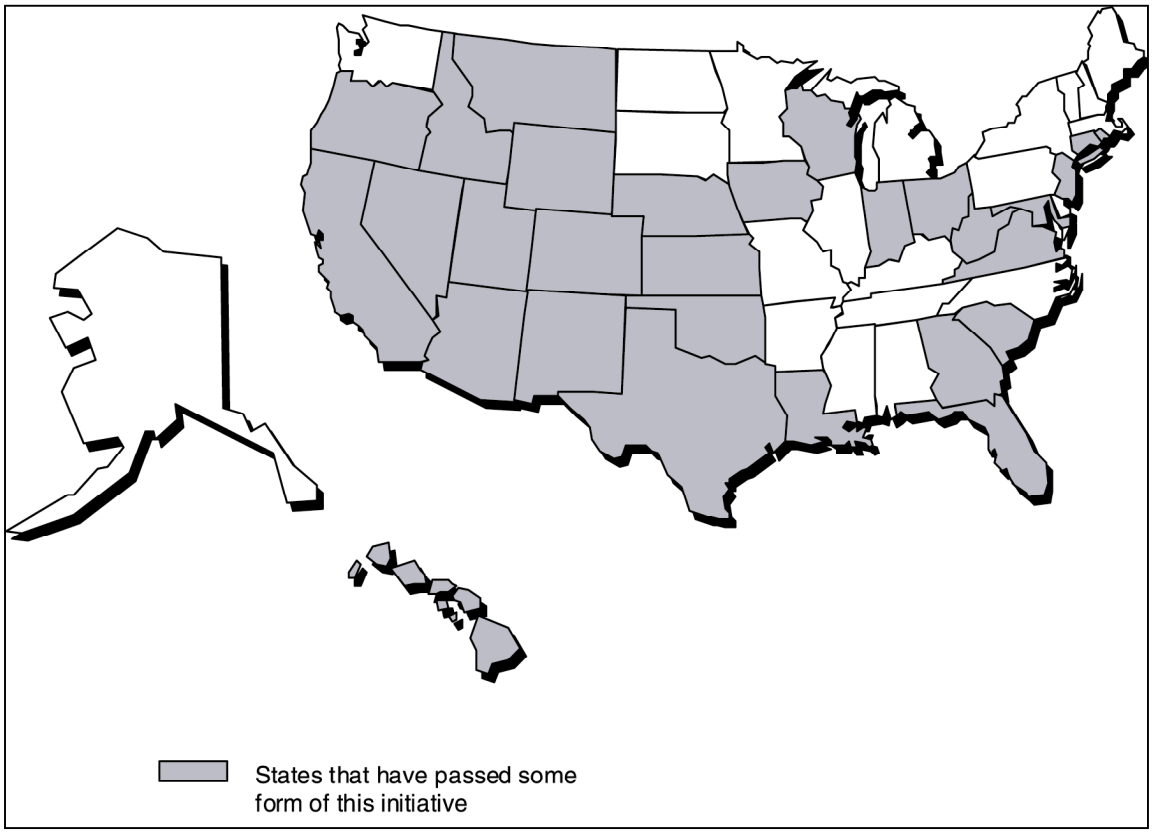
Forty-four states and the District of Columbia now allow electronic transmission of some, if not all, election materials.

Figure 10: States That Allow a 45-Day Transit Time for Absentee Ballots



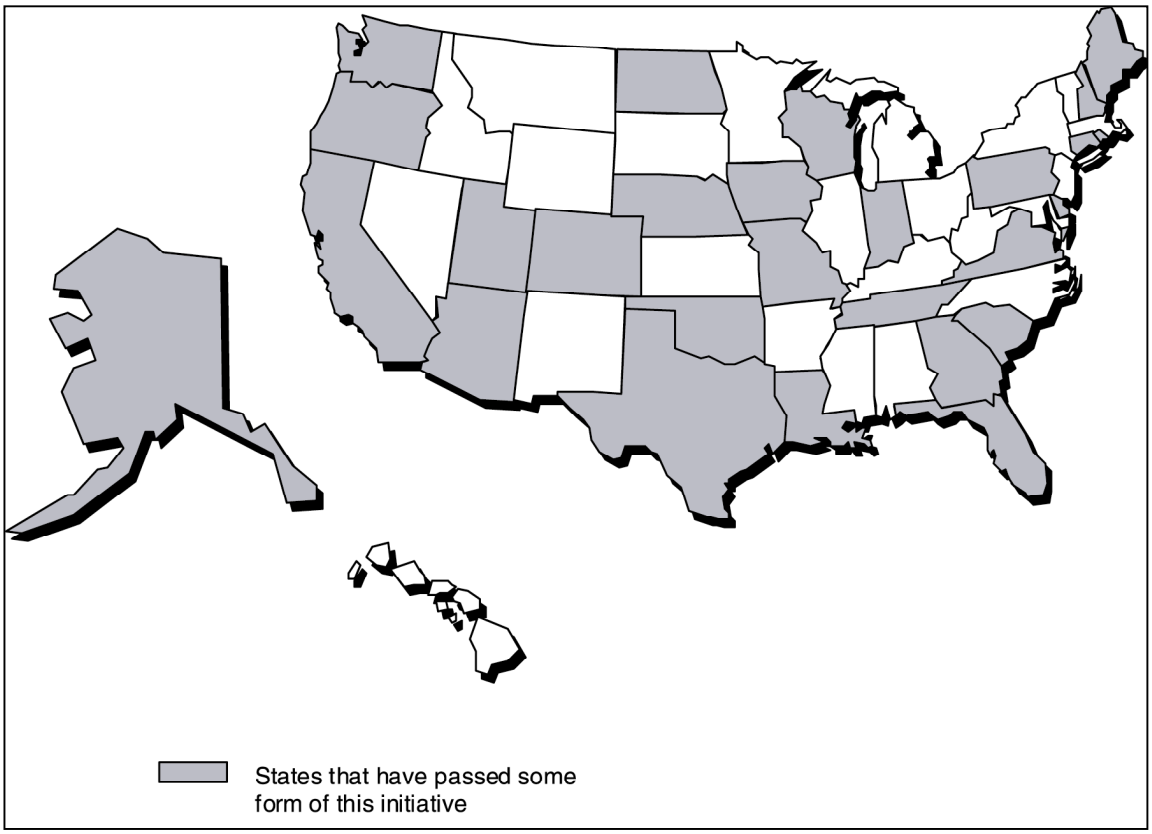
Thirty-eight states and the District of Columbia agree with the goal of allowing absentee voters at least 45 days' ballot transit time between the date the absentee ballot is mailed to the voter and the due date for the voted ballot to be returned.

Figure 11: States That Refer to the Uniformed and Overseas Citizens Absentee Voting Act of 1986 in Their State Election Codes



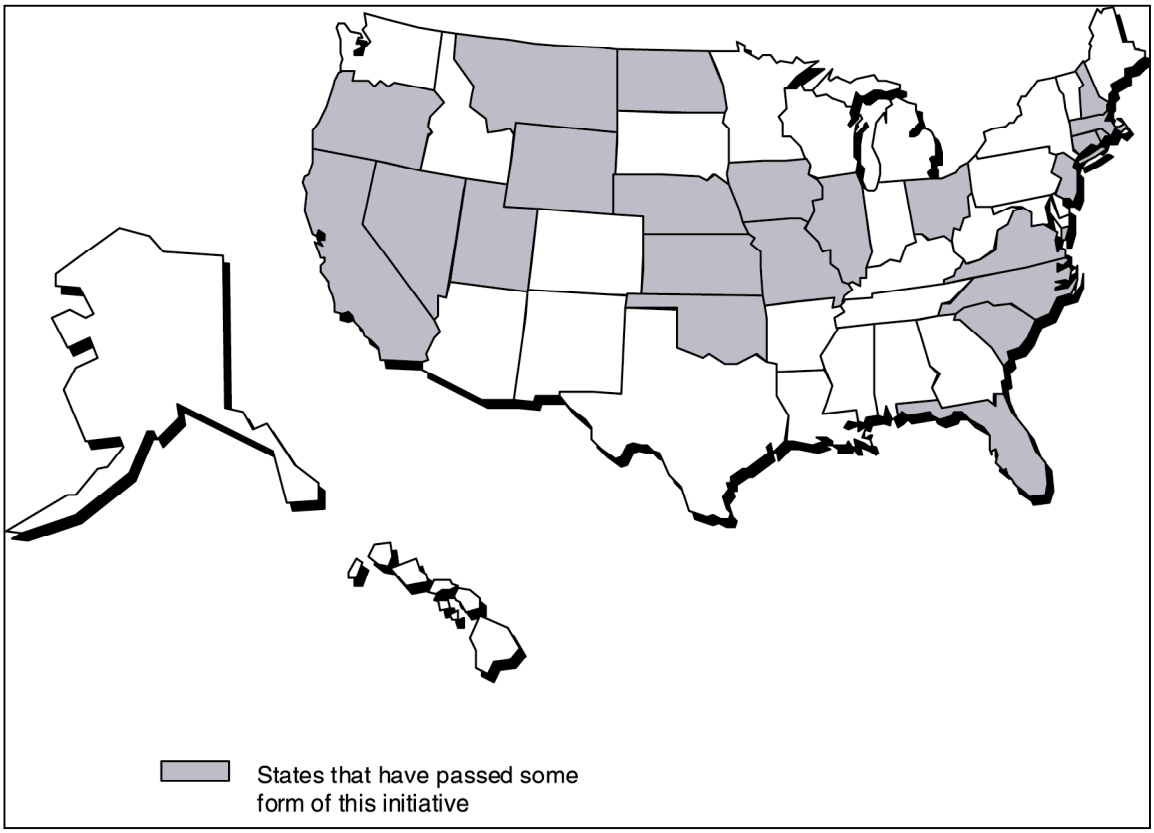
Thirty states and the District of Columbia refer to the Uniformed and Overseas Citizens Absentee Voting Act in their election codes.

Figure 12: States That Have Adopted the Use of a Special State Write-In Absentee Ballot



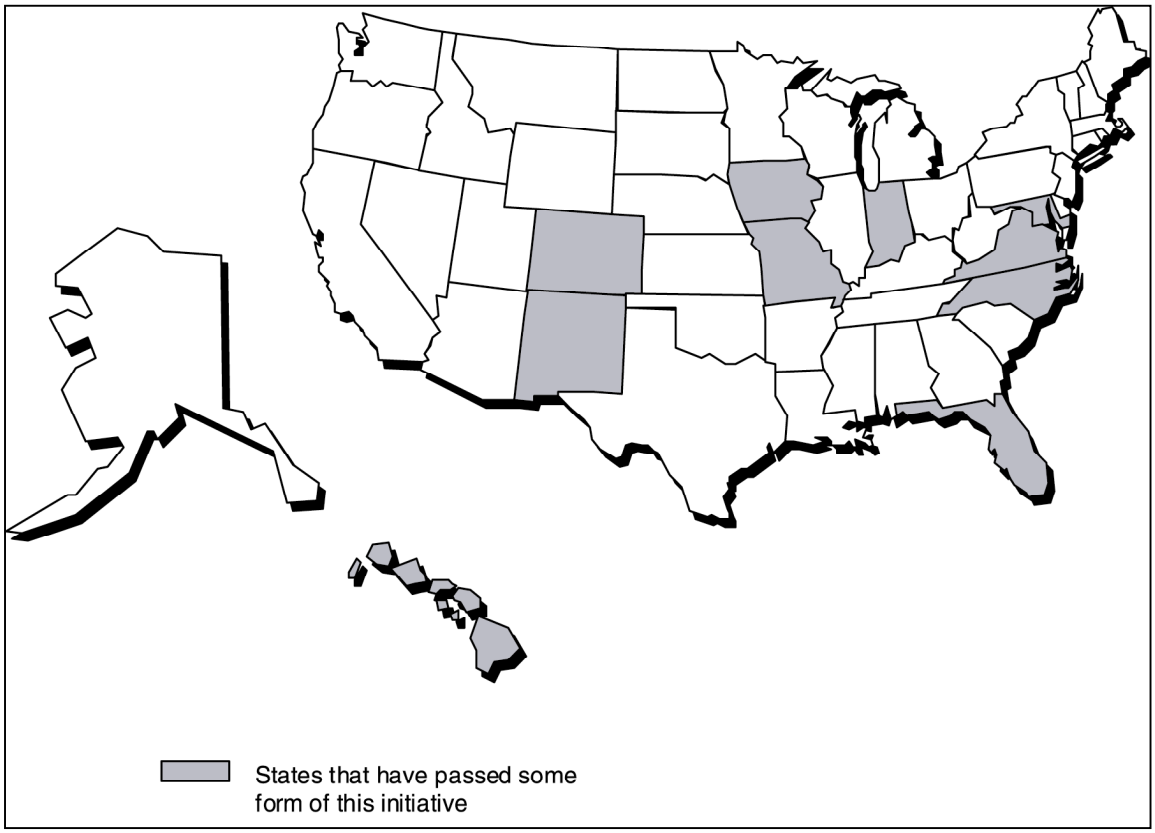
Twenty-seven states currently provide special write-in absentee ballots.

Figure 13: States That Have Established Late Registration Alternatives for Persons Recently Separated from Military and Civilian Overseas Employment



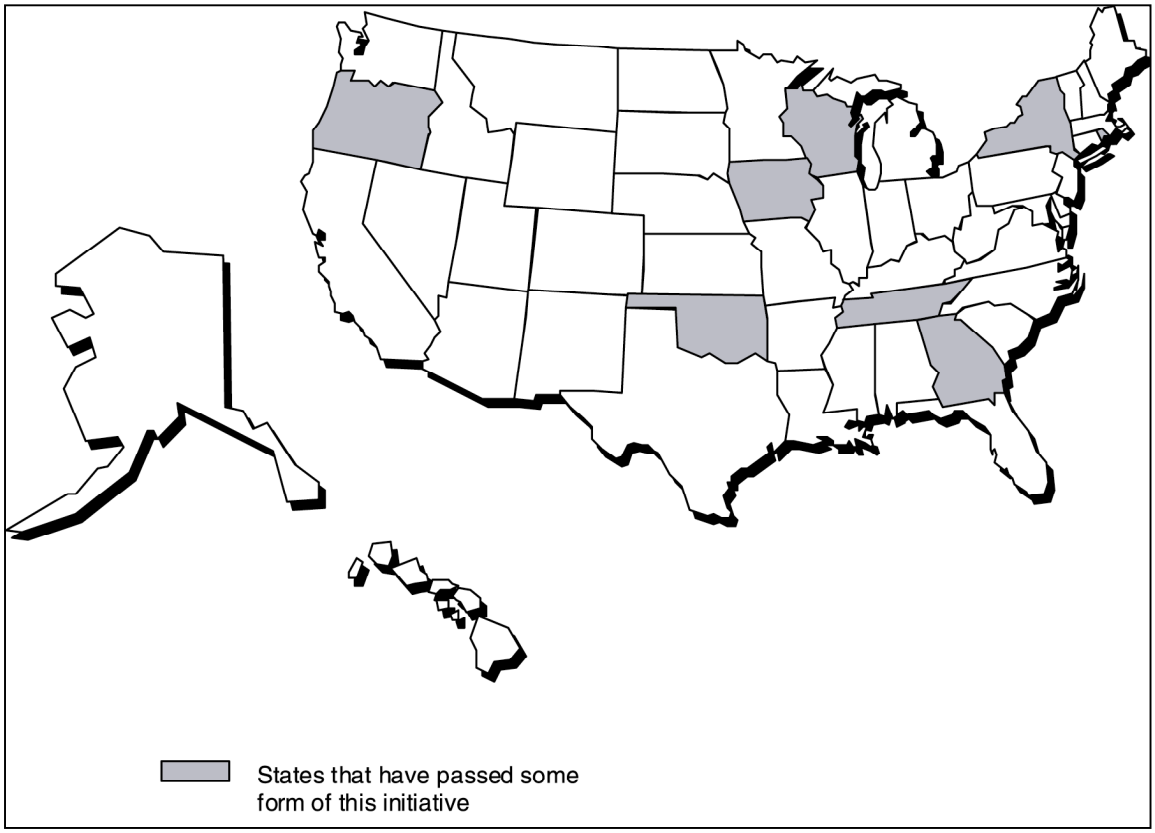
Twenty-three states now allow this alternative.

Figure 14: States That Have Granted Emergency Authority to Their Chief Election Official During Periods of Declared Emergency



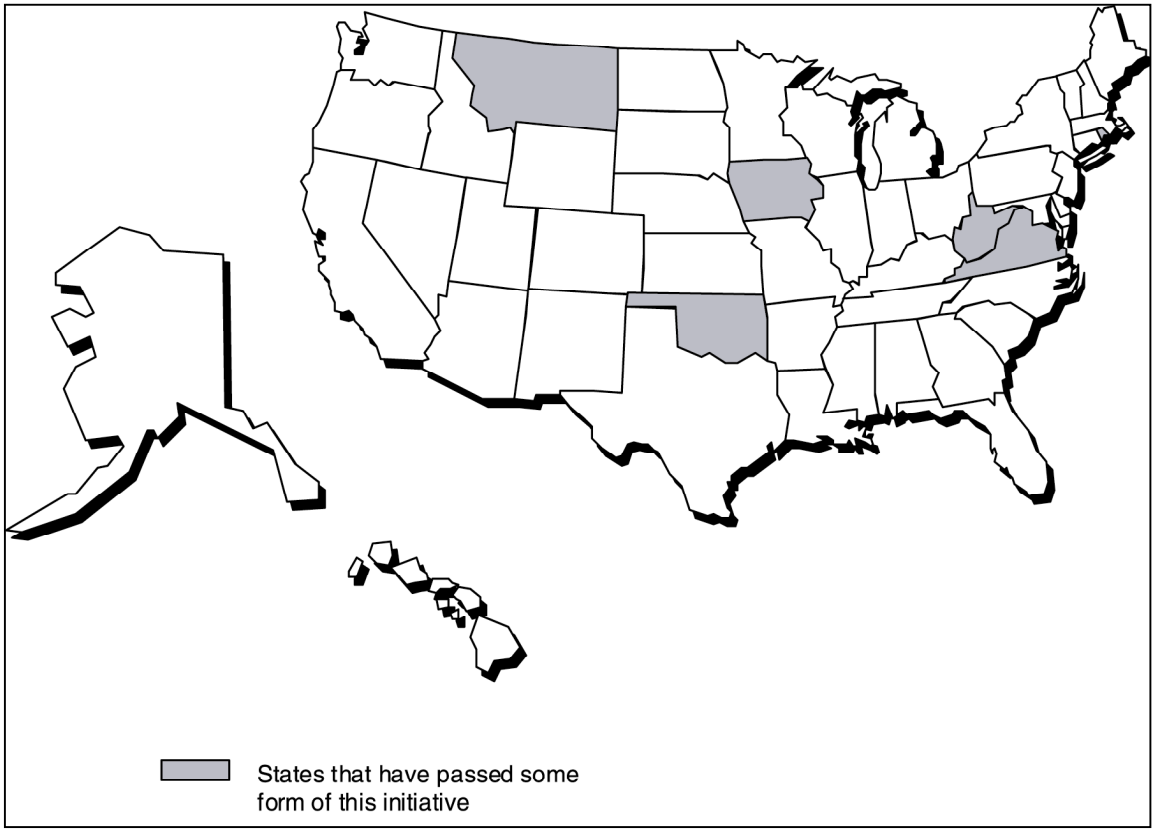
Ten states have granted this authority.

Figure 15: States That Allow Citizens Who Have Never Resided in the United States to Claim Legal Residence of a Parent



Eight states have passed legislation to allow citizens who have never resided in the United States to claim their parents' legal residence as their own.

Figure 16: States That Have Expanded Their Use of the Federal Write-In Absentee Ballot



Six states have passed legislation allowing the Federal Write-In Absentee Ballot to be used in other than general elections and for more than just federal offices.

Appendix VI: Comments From the Department of Defense

OFFICE OF THE SECRETARY OF DEFENSE

WASHINGTON, DC 20301

Administration & Management

September 7, 2001

Mr. Derek B. Stewart
Director, Defense Capabilities and Management
U. S. General Accounting Office
Washington, DC 20548

Dear Mr. Stewart:

This is the Department of Defense (DoD) response to the GAO draft report GAO-01-1026, 'ELECTIONS: Voting Assistance to Military and Overseas Citizens Should Be Improved', dated August 13, 2001 (GAO Code 350032).

The Department concurs with the overall comments and recommendations in the report. The current DoD Directive 1000.4 requires the Services to oversee and monitor their individual voting assistance programs and to coordinate closely with the Federal Voting Assistance Program in carrying out these programs. This directive is in revision and will reiterate and emphasize these Service responsibilities. Although many of your recommendations are not spelled out in current Service instructions and regulations, it is noted that these actions are in fact embedded in the existing Services' voting assistance programs. The Director, Federal Voting Assistance Program will ensure that the Services document these and other DoD Directive 1000.4 and DoD Voting Assistance Program requirements in their written policies. Specific comments on the recommendations are enclosed.

Thank you for your recommendations and the opportunity to comment on this report.

Sincerely,

D. O. Cooke
Director

Enclosure:
As stated

GAO CODE 350032/DRAFT REPORT
GAO-01-1026

"ELECTIONS: VOTING ASSISTANCE TO MILITARY AND OVERSEAS CITIZENS SHOULD BE IMPROVED"

DEPARTMENT OF DEFENSE COMMENTS TO THE RECOMMENDATIONS

RECOMMENDATION 1: The GAO recommended that the Secretary of Defense direct the military service secretaries to develop voting assistance directives that fully reflect the requirements of DoD Directive 1000.4. Specifically, the services' guidance should specify that trained installation and unit voting officers should be appointed, that service Inspectors General review the voting assistance program during inspections, that instruction on the absentee ballot process be provided to all service members, and that the voting assistance program undergo continuous evaluation. In addition, the services should clarify their guidance to clearly establish who is responsible for providing voting material to installations and Voting Assistance Officers. The services should complete modifications to their guidance by the end of 2001. (p. 59/Draft Report).

DoD RESPONSE:

Concur. DoD Directive 1000.4 currently requires the services to monitor and oversee their Voting Assistance Programs. The Directive is being revised to include additional emphasis and direction to the military service secretaries regarding the development of the services' Voting Assistance Programs. The revised DoD Directive has been forwarded for DoD coordination. The DoD 2002-2003 Voting Action Plan will provide detailed guidance to the military service secretaries and the secretaries of departments and heads of agencies with federal employees outside the United States. The 2002-2003 Voting Action Plan will be promulgated in November, 2001. The Federal Voting Assistance Program (FVAP) will ensure that the services' plans comply with the requirements of DoD Directive 1000.4 and the 2002-2003 Voting Action Plan.

RECOMMENDATION 2: The GAO recommended that the Secretary of Defense direct the military service secretaries to require that the senior service Voting Assistance Officers monitor installations' voting assistance programs, including the level of command support, and periodically provide briefings to the Federal Voting Assistance Program office which detail the services' efforts to meet the requirements outlined in the DoD directive and submit a final report within 3 months following each presidential election. (p. 59/Draft Report).

DoD RESPONSE:

Partially Concur. The DoD Directive 1000.4 addresses the services' responsibility to monitor and oversee their voting assistance programs. The 2002-2003 Voting Action Plan reiterates monitoring and oversight responsibilities and will include the reporting of best practices and lessons learned from the conduct of their programs. This direction will be completed with the promulgation of the DoD Directive in October and the Voting Action Plan in November, 2001. The DoD Directive requires the services to report their program evaluation and assessment to the Director, FVAP by June 30th of odd numbered years.

1

RECOMMENDATION 3: The GAO recommended that the Secretary of Defense direct the Director of the Federal Voting Assistance Program to consult with the services and revise DoD Directive 1000.4 to establish recommended ratios of Voting Assistance Officers to population served. (p. 59/Draft Report)

DoD RESPONSE:

Concur. The revised DoD Directive requires the heads of the DoD components to develop component policy establishing sufficient ratios of Voting Assistance Officers to supported population. This direction will be completed with the promulgation of the DoD Directive in October, 2001.

RECOMMENDATION 4: The GAO recommended that the Secretary of Defense direct the Director of the Federal Voting Assistance Program to actively collect and share best practices identified by service and State Department voting assistance programs. (p. 59/Draft Report)

DoD RESPONSE:

Concur. The DoD 2002-2003 Voting Action Plan will address the collection and reporting of best practices. These best practices will be shared via existing media such as the Federal Voting Assistance Program's monthly *Voting Information News* and website. This direction will be completed with the promulgation of the DoD Directive in October and the Voting Action Plan in November, 2001.

RECOMMENDATION 5: The GAO recommended that the Secretary of Defense direct the Director of the Federal Voting Assistance Program to develop a methodology in conjunction with states and local jurisdictions to gather nationally projectable data on disqualified military and overseas absentee ballots and the reasons for disqualification by modifying its quadrennial survey of local election officials, analyzing the data, and publishing this analysis in its quadrennial election report to Congress. As part of this methodology, the Program should select a random sample of jurisdictions to participate in these surveys for an extended period, such as 12 years. The program should work with state and local election officials well before the next election so respondent counties can provide input to redesign the survey and establish the necessary means for tracking data. (pp. 59-60/Draft Report).

DoD RESPONSE:

Partially Concur. The Director, FVAP will conduct a study on modifying its quadrennial survey instrument sent to local election officials to gather information on disqualified absentee ballots from military and overseas citizens. The FVAP will consult with the Defense Manpower Data Center statisticians and determine the best sampling method. The FVAP will convene a panel of local election officials to assist in the development of the instrument's questions, determine if local election officials can effectively collect the data, and help establish distribution timing of the instrument to selected jurisdictions. If the results of the study, including costs and funding, demonstrate feasibility, then the FVAP will revise the survey by October, 2003 and distribute the advance copies of the instruments by February, 2004. The data will be included in its quadrennial report to the President and the Congress.

2

Appendix VII: Comments From the Department of State

United States Department of State

Chief Financial Officer

Washington, D.C. 20520-7427

SEP 10 2001

Dear Ms. Westin:

We appreciate the opportunity to review your draft report, "ELECTIONS: Voting Assistance to Military and Overseas Citizens Should be Improved," GAO-01-1026, GAO Job Code 350032.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Jack Markey, Chief Voting Assistance Officer, Bureau of Consular Affairs, at (202) 736-4937.

Sincerely,

Larry J. Eisenhart
Acting

Enclosure:

As stated.

cc: GAO/DCM - Ms. St. Laurent
State/OIG - Mr. Atkins
State/CA - Mr. Markey

Ms. Susan S. Westin,
Managing Director,
International Affairs and Trade,
U.S. General Accounting Office.

Department of State Comments
on the GAO Draft Report
"ELECTIONS: Voting Assistance to Military and Overseas
Citizens Should be Improved,"
GAO-01-1026, GAO Job Code 350032

The Department appreciates both the time and effort the General Accounting Office (GAO) expended in its comprehensive review of the Department's Voting Assistance Program. We are pleased with the GAO finding that overseas citizens and federal workers were largely satisfied with Department of State support for absentee voting. By implementing the two recommendations GAO proposes in its report, we expect to enhance and improve the oversight, consistency and outreach of our Voting Assistance Program.

The Department's Bureau of Consular Affairs has already undertaken several steps in line with the GAO recommendations. It has developed an action plan for enhancing the Voting Assistance Program and incorporated it into its Bureau Performance Plan for FY 2002 and beyond. Contractors are being hired to re-write segments of the Foreign Affairs Manual pertaining to services to American citizens, including absentee voting. Initial discussions are underway with the directors and staff of the Department of Defense's Federal Voting Assistance Program and the National Foreign Affairs Training Center to expand training for Voting Assistance Officers and raise the program's visibility among Ambassadors and Deputy Chiefs of Mission. Other Department initiatives will include a more systematic collection and dissemination of Voting Assistance Program best practices, and expanded global and local public outreach efforts.

Our constant aim is to provide the best possible service to United States citizens abroad. We hope that actions taken in response to recommendations contained in this report will lead to a reduction of the barriers that overseas voters face in the exercise of this most important right of citizenship.

Appendix VIII: GAO Contacts and Acknowledgments

Contacts

For questions regarding this report, please contact Derek B. Stewart at (202) 512-2559 or Janet St. Laurent at (202) 512-4402.

Acknowledgments

Additional staff making major contributions to this report were Margaret Best, Alan Byroade, Carole Coffey, Thomas Gosling, Barbara Joyce, David Keefer, Kay Kuhlman, Margaret Morgan, Robert Poetta, Jane Trahan, and Susan Woodward from our Defense Capabilities and Management Team; Catherine Baltzell, Robert DeRoy, Kathleen Joyce, Stanley Kostyla, Mark Ramage, Sidney Schwartz, and Rebecca Shea from our Applied Research and Methods Team; and John Brosnan and Mark Dowling from our Office of General Counsel. In addition, numerous staff from our field offices in Atlanta, Dallas, Los Angeles, Norfolk, and San Francisco and additional staff from our Defense Capabilities and Management Team and Tax and Administration of Justice Team contributed to field work and the telephone survey.

Related GAO Products

Voters with Disabilities: Access to Polling Places and Alternative Voting Methods (forthcoming).

Elections: Issues Affecting Military and Overseas Absentee Voters (GAO-01-704T, May 9, 2001).

Comparison of Voting Age Population to Registered Voters in the 40 Largest U.S. Counties (GAO-01-560R, Mar. 23, 2001).

Elections: The Scope of Congressional Authority in Election Administration (GAO-01-470, Mar. 13, 2001).

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