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ELECTIONS

DOD Expands Voting Assistance to Military Absentee Voters, but Challenges Remain

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Highlights of [GAO-06-1134T](#), a report to the Committee on Armed Services, United States Senate

Why GAO Did This Study

The narrow margin of victory in the 2000 presidential election raised concerns about the extent to which members of the military and their dependents living abroad were able to vote via absentee ballot. In September 2001, GAO made recommendations to address variances in the Department of Defense's (DOD) Federal Voting Assistance Program (FVAP). Along with the military services, FVAP is responsible for educating and assisting military personnel in the absentee voting process. Leading up to the 2004 presidential election, Members of Congress raised concerns about efforts under FVAP to facilitate absentee voting.

This testimony, which draws on prior GAO work, addresses three questions: (1) How did FVAP's assistance efforts differ between the 2000 and 2004 presidential elections? (2) What actions did DOD take in response to prior GAO recommendations on absentee voting? and (3) What challenges remain in providing voting assistance to military personnel?

www.gao.gov/cgi-bin/getrpt?GAO-06-1134T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Derek B. Stewart at (202) 512-5559 or stewartd@gao.gov.

ELECTIONS

DOD Expands Voting Assistance to Military Absentee Voters, but Challenges Remain

What GAO Found

For the 2004 presidential election, FVAP expanded its efforts beyond those taken for the 2000 election to facilitate absentee voting by military personnel. FVAP distributed more absentee voting materials and improved the accessibility of its Web site, which includes voting information. Also, FVAP conducted 102 more voting training workshops than it did for the 2000 election, and it provided an online training course for Voting Assistance Officers (VAO). FVAP also designed an electronic version of the Federal Write-in Absentee Ballot—an emergency ballot accepted by all states and territories—although its availability was not announced until a few weeks before the election. In assessing its efforts for the 2004 election, using data from its postelection surveys, FVAP attributed increased voter participation rates to an effective voter information and education program. However, in light of low survey response rates, FVAP's estimates and conclusions should be interpreted with caution.

DOD has taken actions in response to GAO's prior recommendations regarding voting assistance to servicemembers. In 2001, GAO recommended that DOD revise its voting guidance, improve program oversight, and increase command emphasis to reduce the variance in voting assistance to military servicemembers. Prior to the 2004 presidential election, DOD implemented corrective actions that addressed GAO's recommendations. Specifically, the services revised their voting guidance and enhanced oversight of the military's voting assistance program, and emphasis on voting education and awareness increased throughout the top levels of command within DOD. However, the level of assistance continued to vary at the installations GAO visited. Because the VAO role is a collateral duty and VAOs' understanding and interest in the voting process differ, some variance in voting assistance may always exist. DOD plans to continue its efforts to improve absentee voting assistance.

Despite efforts of DOD and the states, GAO's April 2006 report identified two major challenges that remain in providing voting assistance to military personnel: (1) simplifying and standardizing the time-consuming and multi-step absentee voting process, which includes different requirements and time frames for each state; and (2) developing and implementing a secure electronic registration and voting system. FVAP attempted to make the absentee voting process easier by using its Legislative Initiatives program to encourage states to simplify the multi-step process and standardize their absentee voting requirements. However, the majority of states have not agreed to any new initiatives since FVAP's 2001 report on the 2000 election. FVAP is limited in its ability to affect state voting procedures because it lacks the authority to require states to take action on absentee voting initiatives. For the 2004 election, FVAP developed an electronic registration and voting experiment. However, it was not used by any voters due to concerns about the security of the system. Because DOD did not want to call into question the integrity of votes that would have been cast via the system, they decided to shut the experiment down prior to its use by any absentee voters. Some technologies—such as faxing, e-mail and the Internet—have been used to improve communication between local jurisdictions and voters.

Mr. Chairman and Members of the Committee:

I appreciate the opportunity to participate in today's hearing on military voting and the Federal Voting Assistance Program (FVAP). As you know, the 2000 presidential election brought to light concerns about a number of issues, including absentee voting by members of the military and civilians living overseas. The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) established that members of the U.S. military, their dependents of voting age, and American citizens no longer maintaining a permanent residence in the United States are eligible to participate by absentee ballot in all federal elections. The act covers more than 6.5 million people, including approximately 3.7 million overseas citizens not affiliated with the government (about 2 million of whom are of voting age), 1.4 million military servicemembers, and 1.3 million military dependents of voting age.

As requested, my testimony today will focus on absentee voting for military servicemembers. I will address (1) how FVAP's efforts to facilitate absentee voting by military personnel differed between the 2000 and 2004 presidential elections, (2) actions taken by the Department of Defense (DOD) in response to prior GAO recommendations on absentee voting, and (3) remaining challenges related to military absentee voting. Mr. Chairman, we should also note that we have just begun work to assess FVAP's long term plans to implement and expand electronic voting. Upon completion of this work early next year, we will report the results to Congress.

In preparing for this testimony, we drew extensively from our published work on the election process and absentee voting for military servicemembers.¹ We also identified recent changes to DOD voting guidance that discusses the electronic transmission of voting materials. All the work on which this testimony is based was performed in accordance with generally accepted government auditing standards.

Results in Brief

For the 2004 presidential election, FVAP expanded its efforts beyond those taken for the 2000 election to facilitate absentee voting by military personnel. For example, FVAP distributed more absentee voting materials and improved the accessibility of and added more election-related links to

¹ See appendix I for a list of related GAO reports.

its Web site, which includes voting information. FVAP also conducted more voting training workshops than it did for the 2000 election, conducting 164 workshops rather than the 62 workshops conducted for the 2000 election, and provided an online training course for Voting Assistance Officers (VAOs). In addition, FVAP designed an electronic version of the Federal Write-in Absentee Ballot—an emergency ballot accepted by all states and territories—although the ballot’s availability was not announced until a few weeks before the election. FVAP used data from its postelection surveys to assess its efforts for the 2004 election. FVAP reported increased voter participation rates, which it attributed to an effective voter information and education program. However, in light of low survey response rates, FVAP’s estimates and conclusions should be interpreted with caution.

DOD has taken actions in response to our prior recommendations regarding voting assistance to servicemembers. In 2001, we recommended that DOD revise its voting guidance, improve program oversight, and increase command emphasis to reduce the variance in voting assistance to military servicemembers. In 2001, we reported that implementation of the federal voting assistance program by DOD was uneven due to incomplete service guidance, lack of oversight, and insufficient command support. Prior to the 2004 presidential election, DOD implemented corrective actions that addressed our recommendations. Specifically, the services revised their voting guidance and enhanced oversight of the military’s voting assistance program, and emphasis on voting education and awareness increased throughout the top levels of command within DOD. However, the level of assistance continued to vary at the installations we visited. Because the VAO role is a collateral duty and VAOs’ understanding and interest in the voting process differ, some variance in voting assistance may always exist. DOD plans to continue its efforts to improve absentee voting assistance.

Despite the efforts of DOD and the states, our April 2006 report identified two major challenges that remain in providing voting assistance to military personnel, which are: simplifying and standardizing the absentee voting process and developing and implementing a secure electronic registration and voting system. FVAP attempted to make the absentee voting process easier by encouraging states to simplify the multi-step process and standardize their absentee voting requirements. FVAP’s Legislative Initiatives program encouraged states to improve the absentee voting process for military personnel by adopting changes such as (1) removing the notary requirement on election materials and (2) allowing the use of electronic transmission of election materials. However, FVAP is limited in

its ability to affect state voting procedures because it lacks the authority to require states to take action on absentee voting initiatives. Developing and implementing a secure electronic registration and voting system, which would likely improve the timely delivery of ballots and increase voter participation, has proven to be a challenging task for FVAP. FVAP has not been able to develop a system that would protect the security and privacy of absentee ballots cast over the Internet, despite conducting a small Internet voting project during the 2000 election and developing an electronic registration and voting experiment for the 2004 election. In both cases, security concerns prevented expanded use of these projects. Communications technologies, such as faxing, e-mail, and the Internet, have been used to improve communication between local jurisdictions and voters. For example, for the 2004 election, FVAP's *Voting Assistance Guide* showed that the states allowed some form of electronic transmission of certain voting materials.

Background

The U.S. election system is highly decentralized and based upon a complex interaction of people (election officials and voters), processes, and technology. Voters, local election jurisdictions, states,² and the federal government all play important roles in ensuring that ballots are successfully cast in an election. The elections process within the United States is primarily the responsibility of the individual states and their election jurisdictions. States have considerable discretion in how they organize the elections process and this is reflected in the diversity of processes and deadlines that states have for voter registration and absentee voting, including diversity in the processes and deadlines that apply to military voters. Each state has its own election system with a somewhat distinct approach. Within each of these 55 systems, the guidelines and procedures established for local election jurisdictions can be very general or specific. Even when imposing requirements, such as statewide voter registration systems and provisional voting on the states in the Help America Vote Act of 2002,³ Congress left states discretion in how to implement those requirements and did not require uniformity.

² Throughout this testimony, states also include the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

³ Pub. L. No. 107-252, § 706 (2002).

Executive Order 12642, dated June 8, 1988, designated the Secretary of Defense or his designee as responsible for carrying out the federal functions under UOCAVA. UOCAVA requires the presidential designee to (1) compile and distribute information on state absentee voting procedures, (2) design absentee registration and voting materials, (3) work with state and local election officials in carrying out the act, and (4) report to Congress and the President after each presidential election on the effectiveness of the program's activities, including a statistical analysis on UOCAVA voter participation. DOD Directive 1000.4, dated April 14, 2004, is DOD's implementing guidance for the federal voting assistance program, and it designated the Under Secretary of Defense for Personnel and Readiness (USD P&R) as responsible for administering and overseeing the program. For 2004, FVAP had a full-time staff of 13 and a fiscal year budget of approximately \$6 million. FVAP's mission is to (1) inform and educate U.S. citizens worldwide of their right to vote, (2) foster voting participation, and (3) protect the integrity of and enhance the electoral process at the federal, state, and local levels.

DOD Directive 1000.4 also sets forth DOD and service roles and responsibilities in providing voting education and assistance. In accordance with the directive, FVAP relies heavily upon the military services for distribution of absentee voting materials to military servicemembers. According to the DOD directive, each military service is to appoint a senior service voting representative, assisted by a service voting action officer, to oversee the implementation of the service's voting assistance program. The directive also states that the military services are to designate trained VAOs at every level of command to provide voting education and assistance to servicemembers and their eligible dependents. One VAO on each military installation should be assigned to coordinate voting efforts conducted by VAOs in subordinate units and tenant commands. Where possible, installation VAOs should be of the civilian rank GS-12 or higher, or officer pay grade O-4 or higher. In accordance with the DOD directive, commanders designate persons to serve as VAOs. Serving as a VAO is a collateral duty, to be performed along with the servicemember's other duties.

Differences in FVAP's Efforts Between the 2000 and 2004 Presidential Elections

For the 2004 presidential election, FVAP expanded its efforts beyond those taken for the 2000 election to provide military personnel tools needed to vote by absentee ballot. FVAP distributed more absentee voting materials and improved the accessibility of its Web site, which includes voting information. Also, FVAP conducted 102 more voting training workshops for its VAOs than it did for the 2000 election. FVAP also provided an online training course for them. FVAP also designed an electronic version of the Federal Write-in Absentee Ballot—an emergency ballot accepted by all states and territories—although its availability was not announced until a few weeks before the election. In assessing its efforts for the 2004 election, using data from its postelection surveys, FVAP attributed increased voter participation rates to an effective voter information and education program. However, in light of low survey response rates, FVAP's estimates and conclusions should be interpreted with caution.

FVAP Distributed More Voting Materials and Improved Access to Its Web Site

In preparing for the 2004 election, FVAP distributed more absentee voting materials and improved the accessibility of its Web site. For the 2000 election, we reported that voting materials such as the Federal Post Card Application (FPCA)—the registration and absentee ballot request form for UOCAVA citizens⁴—were not always available when needed. DOD officials stated that they had enough 2004 election materials for their potential absentee voters. Each service reported meeting the DOD requirement of 100 percent in-hand delivery of FPCAs to each servicemember by January 15.

After the 2000 presidential election, FVAP took steps to make its Web site more accessible to UOCAVA citizens worldwide by changing security parameters surrounding the site.⁵ According to FVAP, prior to the 2004 election, its Web site was within the existing DOD “.mil” domain, which includes built-in security firewalls. Some overseas Internet service providers were consequently blocked from accessing this site because hackers were attempting to get into the DOD system. As a result, FVAP moved the site out of the DOD “.mil” domain to a less secure domain. In September 2004, FVAP issued a news release announcing this change and provided a list of Web site addresses that would allow access to the site.

⁴ This includes members of the United States military, their dependents of voting age, and American citizens no longer maintaining permanent residence in the United States.

⁵ <http://www.fvap.gov/>.

FVAP also added more election-related links to its Web site to assist UOCAVA citizens in the voting process. The Web site (which FVAP considers one of its primary vehicles for disseminating voting information and materials) provides downloadable voting forms and links to all of FVAP's informational materials, such as the Voting Assistance Guide, Web sites of federal elected officials, and state election sites. It also contains contact information for FVAP and the military departments' voting assistance programs. Although FVAP provided more resources to UOCAVA citizens concerning absentee voting, it is ultimately the responsibility of the voter to be aware of and understand these resources, and to take the actions needed to participate in the absentee voting process.

FVAP Increased Absentee Voting Training Opportunities

For the 2004 election, FVAP increased the number of VAO training workshops it conducted to 164. The workshops were conducted at military installations around the world, including installations where units were preparing to deploy. In contrast, only 62 training workshops were conducted for the 2000 election. FVAP conducts workshops during years of federal elections to train VAOs in providing voting assistance. As an alternative to its in-person voting workshops, in March 2004 FVAP added an online training course to its Web site. This course was also available on CD-ROM. According to FVAP, completion of the workshop or the online course meets a DOD requirement that VAOs receive training every 2 years. Installation VAOs are responsible for monitoring completion of training. The training gives VAOs instructions for completing voting forms, discusses their responsibilities, and informs them about the resources available to conduct a successful voting assistance program.

FVAP Designed an Electronic Absentee Ballot Form

On October 21, 2004, just a few weeks prior to the election, FVAP issued a news release announcing an electronic version of the Federal Write-in Absentee Ballot, an emergency ballot accepted by all states and territories. UOCAVA citizens who do not receive their requested state absentee ballots in time to meet state deadlines for receipt of voted ballots can use the Federal Write-in Absentee Ballot. The national defense authorization act for fiscal year 2005 amended the eligibility criteria for using the Federal Write-in Absentee Ballot.⁶ Prior to the change, a UOCAVA citizen had to be outside of the United States, have applied for a regular absentee

⁶Pub. L. No. 108-375, § 566 (2004).

ballot early enough to meet state election deadlines, and not have received the requested absentee ballot from the state. Under the new criteria, the Federal Write-in Absentee Ballot can also be used by military servicemembers stationed in the United States, as well as overseas.

FVAP's Report of Higher Voter Participation Should Be Interpreted with Caution

On the basis of its 2004 postelection survey, FVAP reported higher voter participation rates among uniformed service members in its quadrennial report to Congress and the President on the effectiveness of its 2004 voting assistance efforts. The report included a statistical analysis of voter participation and discussed experiences of uniformed servicemembers during the election, as well as a description of state and federal cooperation in carrying out the requirements of UOCAVA. However, the low survey response rate raises concerns about FVAP's ability to project increased voter participation rates among military servicemembers.

We reported in 2001 that some absentee ballots became disqualified for various reasons, including improperly completed ballot return envelopes, failure to provide a signature, or lack of a valid residential address in the local jurisdiction.⁷ We recommended that FVAP develop a methodology, in conjunction with state and local election jurisdictions, to gather nationally projectable data on disqualified military absentee ballots and reasons for their disqualification. In anticipation of gathering nationally projectable data, prior to the election, FVAP randomly selected approximately 1,000 local election officials to receive an advance copy of the postelection survey so they would know what information to collect during the election to complete the survey. The survey solicited a variety of information concerning the election process and absentee voting, such as the number of ballots issued, received, and counted, as well as reasons for ballot disqualification. In FVAP's 2005 report, it cited the top two reasons for disqualification as ballots were received too late or were returned as undeliverable.

FVAP reported higher participation rates for military servicemembers in the 2004 presidential election as compared with the rate reported for the 2000 election. FVAP attributed the higher voting participation rate to an effective voter information and education program that included command support and agency emphasis. State progress in simplifying

⁷GAO, *Elections: Voting Assistance to Military and Overseas Citizens Should Be Improved*, GAO-01-1026 (Washington, D.C.: Sept. 28, 2001).

absentee voting procedures and increased interest in the election were also cited as reasons for increased voting participation. However, a low survey response rate raises concerns about FVAP's ability to project participation rate changes among uniformed servicemembers. According to FVAP, while the 2004 postelection survey was designed to provide national estimates, the survey experienced a low response rate, 27 percent. FVAP did not perform any analysis comparing those who responded to the survey with those who did not respond. Such an analysis would allow researchers to determine if those who responded to the survey are different in some way from those who did not respond. If it is determined that there is a difference between those who responded and those who did not, then the results cannot be generalized across the entire population of potential survey participants. In addition, FVAP did no analysis to account for sampling error. Sampling error occurs when a survey is sent to a sample of a population rather than to the entire population. While techniques exist to measure sampling error, FVAP did not use these techniques in their report. The practical difficulties in conducting surveys of this type may introduce other types of errors as well, commonly known as nonsampling errors. For example, errors can be introduced if (1) respondents have difficulty interpreting a particular question, (2) respondents have access to different information when answering a question, or (3) those entering raw survey data make keypunching errors.

Actions Taken in Response to Prior Recommendations

DOD has taken actions in response to our prior recommendations regarding voting assistance to servicemembers. In 2001, we recommended that DOD revise its voting guidance, improve program oversight, and increase command emphasis to reduce the variance in voting assistance to military servicemembers. In 2001, we reported that implementation of the federal voting assistance program by DOD was uneven due to incomplete service guidance, lack of oversight, and insufficient command support. Prior to the 2004 presidential election, DOD implemented corrective actions, such as revising voting guidance and increasing emphasis on voting education at top command levels to address our recommendations. However, the level of assistance continued to vary at the installations we visited. Because the VAO role is a collateral duty and VAOs' understanding and interest in the voting process differ, some variance in voting assistance may always exist. DOD plans to continue its efforts to improve absentee voting assistance.

The Services Revised Their Voting Guidance and Enhanced Program Oversight

In response to our recommendations in 2001, the services revised their voting guidance and enhanced oversight of the military's voting assistance program. In 2001, we reported that the services had not incorporated all of the key requirements of DOD Directive 1000.4 into their own voting policies, and that DOD exercised very little oversight of the military's voting assistance programs. These factors contributed to some installations not providing effective voting assistance. We recommended that the Secretary of Defense direct the services to revise their voting guidance to be in compliance with DOD's voting requirements, and provide for more voting program oversight through inspector general reviews and a lessons-learned program.

Subsequent to DOD's revision of Directive 1000.4, the services revised their guidance to reflect DOD's voting requirements. In the 2002–03 Voting Action Plan, FVAP implemented a best practices program to support the development and sharing of best practices used among VAOs in operating voting assistance programs. FVAP included guidance on its Web site and in its Voting Assistance Guide on how VAOs could identify and submit a best practice. Identified best practices for all the services are published on the FVAP Web site and in the Voting Information News—FVAP's monthly newsletter to VAOs.

Top-level Command Emphasis Increased

For the 2004 election, emphasis on voting education and awareness increased throughout the top levels of command within DOD. In 2001, we reported that lack of DOD command support contributed to the mixed success of the services' voting programs and recommended that the Senior Service Voting Representatives monitor and periodically report to FVAP on the level of installation command support. To ensure command awareness and involvement in implementing the voting assistance program, in late 2003, the USD P&R began holding monthly meetings with FVAP and the Senior Service Voting Representatives and discussed the status of service voting assistance programs. In 2001, we also reported that some installations and units did not appoint VAOs as required by DOD Directive 1000.4. In March 2004, the Secretary of Defense and Deputy Secretary of Defense issued memorandums to the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and Commanders of the Combatant Commands, directing them to support voting at all levels of command. These memoranda were issued to ensure that voting materials were made available to all units and that VAOs were assigned and available to assist voters. The Chairman of the Joint Chiefs of Staff also recorded a DOD-wide message regarding the opportunity to vote and ways in which VAOs could provide assistance. This message was used

by FVAP in its training presentations and was distributed to military installations worldwide. During our review, we found that each service reported to DOD that it assigned VAOs at all levels of command.

Voting representatives from each service used a variety of servicewide communications to disseminate voting information and stressed the importance of voting. For example, the Marine Corps produced a videotaped interview stressing the importance of voting that was distributed throughout the Marine Corps. The Army included absentee voting information in a pop-up message that was included on every soldier's e-mail account. In each service, the Voting Action Officer sent periodic messages to unit VAOs, reminding them of key voting dates and areas to focus on as the election drew closer. Throughout the organizational structure, these VAOs contacted servicemembers through servicewide e-mail messages, which contained information on how to get voting assistance and reminders of voting deadlines. According to service voting representatives, some components put together media campaigns that included reminders in base newspapers, billboards, and radio and closed circuit television programs. They also displayed posters in areas frequented by servicemembers (such as exchanges, fitness centers, commissaries, and food court areas).

Remaining Challenges Related to Absentee Military Voting

Despite the efforts of DOD and the states, our April 2006 report identified two major challenges that remain in providing voting assistance to military personnel, which are:

- simplifying and standardizing the time-consuming and multistep absentee voting process, which includes different requirements and time frames for each state; and
- developing and implementing a secure electronic registration and voting system.

Simplifying and Standardizing the Absentee Voting Process

FVAP attempted to make the absentee voting process easier by encouraging states through its Legislative Initiatives program, to simplify the multi-step process and standardize their absentee voting requirements. Many military personnel we spoke to after the 2000 and 2004 general elections expressed concerns about the varied state and local requirements for absentee voting and the short time frame provided by many states and local jurisdictions for sending and returning ballots. FVAP's Legislative Initiatives program encouraged states to adopt changes

to improve the absentee voting process for military personnel. However, the majority of states have not agreed to any new initiatives since FVAP's 2001 report to Congress and the President on the effectiveness of its efforts during the 2000 election. FVAP is limited in its ability to affect state voting procedures because it lacks the authority to require states to take action on absentee voting initiatives. In the 1980s, FVAP began its Legislative Initiatives program with 11 initiatives, and as of December 2005 it had not added any others. Two of the 11 initiatives—(1) accept one FPCA as an absentee ballot request for all elections during the calendar year and (2) removal of the not-earlier-than restrictions for registration and absentee ballot requests⁸—were made mandatory for all states by the National Defense Authorization Act for Fiscal Year 2002 and the Help America Vote Act of 2002, respectively.⁹ According to FVAP, this action was the result of state election officials working with congressional lawmakers to improve the absentee voting process.

Between FVAP's 2001 and 2005 reports to Congress and the President, the majority of the states had not agreed to any of the remaining nine initiatives. Since FVAP's 2001 report, 21 states agreed to one or more of the nine legislative initiatives, totaling 28 agreements. Table 1 shows the number of agreements with the initiatives since the 2001 report. According to FVAP records, one state withdrew its support for the 40 to 45-day ballot transit time initiative. Initiatives with the most state support were (1) the removal of the notary requirement on election materials and (2) allowing the use of electronic transmission of election materials. We also found a disparity in the number of initiatives that states have adopted. For example, Iowa is the only state to have adopted all nine initiatives, while Vermont, American Samoa, and Guam have adopted only one initiative each.

⁸Not-earlier-than restriction refers to states not accepting an FPCA if it arrives before a specified date.

⁹Pub. L. No. 107-107, § 1606 (2001) and Pub. L. No. 107-252, § 706 (2002), respectively.

Table 1: Number of Agreements with FVAP’s Legislative Initiatives

FVAP Initiatives	Number of states in agreement		Change
	2001	2005	
1. Allow a 40 to 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	42	41	-1
2. Remove the notary requirement on any election materials	49	50	1
3. Establish late registration procedures for persons recently separated from the uniformed services and citizens returning from overseas employment	24	28	4
4. Provide for a special state write-in absentee ballot	27	27	0
5. Incorporate reference to UOCAVA into state election code	33	37	4
6. Allow the use of electronic transmission of election materials	48	49	1
7. Expand use of the Federal Write-in Absentee Ballot to include special, primary, and run-off elections, and allow the ballot to be used as a simultaneous registration application and ballot	7	12	5
8. Provide emergency authority for absentee ballot handling to the state’s chief election official during periods of declared emergency	11	16	5
9. Enfranchise citizens who have never resided in the United States or its territories	8 ^a	17	9
Total			28^b

Source: GAO generated from FVAP data.

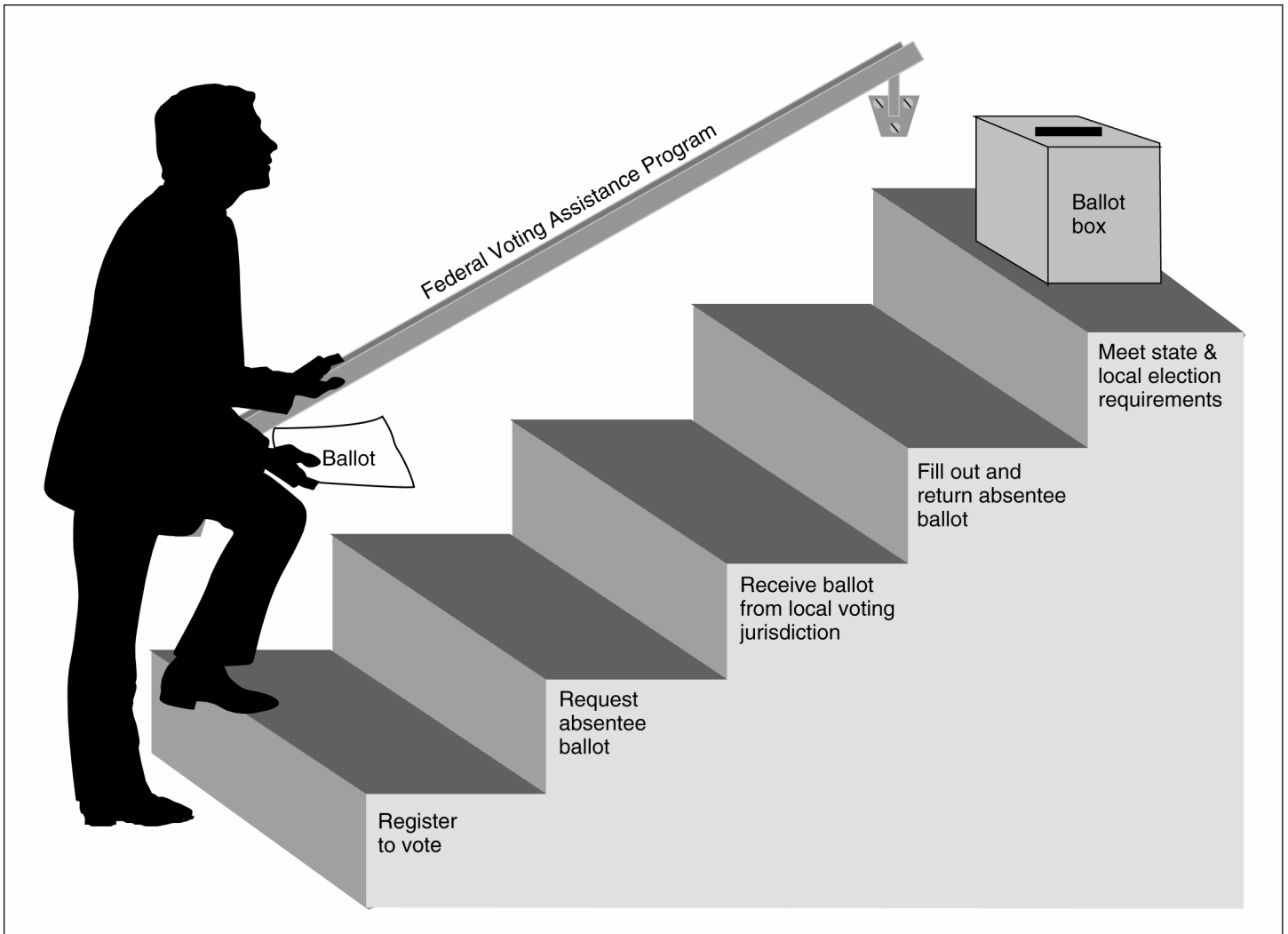
^aEight states agreed, but one state later withdrew support.

^bSome states agreed to more than one initiative.

The absentee voting process requires the potential voter to take the following five steps: (1) register to vote,¹⁰ (2) request an absentee ballot, (3) receive the ballot from the local election office, (4) correctly complete the ballot, and (5) return it (generally through the mail) in time to be counted for the election. (See fig. 1.) There are several ways for military servicemembers to accomplish these steps. Military voters must plan ahead, particularly when deployed during elections. Moreover, military voters require more time to transmit voting materials because of distance.

¹⁰ In some states, registration may not be necessary to vote.

Figure 1: Steps in the Absentee Voting Process



Source: GAO.

Military servicemembers are encouraged to use the Federal Post Card Application (FPCA)¹¹ to register to vote and to request an absentee ballot. Servicemembers can obtain the FPCA from several sources, including the unit VAO, from the Internet via FVAP's Web site, or from their local election office. DOD Directive 1000.4, Federal Voting Assistance Program, requires the in-hand delivery of a FPCA to eligible voters and their voting age dependents by January 15th of each year. DOD encourages potential voters to complete and mail the FPCA early, in order to receive absentee ballots for all upcoming federal elections during the year. Military mail and the U.S. postal service are the primary means for transmitting voting materials, according to servicemembers with whom we spoke.

Knowing when to complete the first step of the election process can be challenging since each state has its own deadlines for receipt of FPCAs, and the deadline is different depending on whether or not the voter is already registered. For example, according to the Voting Assistance Guide, Montana required a voter that had not previously registered to submit an FPCA at least 30 days prior to the election. A voter who was already registered had to ensure that the FPCA was received by the County Election Administrator by noon on the day before the election. For Idaho voters, the FPCA had to be postmarked by the 25th day before the election, if they were not registered. If they were registered, the County Clerk had to receive the FPCA by 5:00 p.m. on the 6th day before the election. For Virginia uniformed services voters, the FPCA had to arrive not later than 5 days before the election, whether already registered or not. Using different deadlines for newly registered and previously registered voters to return their absentee ballots may have some administrative logic and basis. For example, the process of verifying the eligibility of a newly registered voter might take longer than the process for previously registered voters, and if there was some question about the registration information provided, the early deadlines provide some time to contact the voter and get it corrected.

For the November 2004 general election, according to our site survey, nine states reported having absentee ballot deadlines for voters outside the United States that were more lenient than the ballot deadlines for voters inside the United States. Table 2 lists these nine states and the difference

¹¹ In all states and territories, the FPCA serves as a valid request for registration and/or absentee ballot for those citizens entitled to use it regardless of whether they have registered prior to the submission of the FPCA.

between the mail-in ballot deadline from inside the United States and the mail-in absentee ballot deadline from outside the United States.

Table 2: States Reporting Differing Mail-in Absentee Ballot Deadlines from Inside and Outside the United States, November 2004 General Election

State	Mail-in absentee ballot deadline from inside the United States	Mail-in absentee ballot deadline from outside the United States
Alaska	10 days after Election Day and postmarked by Election Day	15 days after Election Day and postmarked by Election Day
Arkansas	Election Day	10 days after Election Day
Florida	Election Day	No later than 10 days after Election Day if postmarked or signed and dated by Election Day (federal races only)
Louisiana	1 day before Election Day	Election Day
Maryland	1 day after Election Day if postmarked before Election Day	10 days after Election Day and postmarked before Election Day
Massachusetts	Election Day	10 days after Election Day and postmarked by Election Day
Ohio	Election Day	10 days after Election Day
Pennsylvania	4 days before Election Day	Absentee ballot deadline extended per court order for November 2004 general election for not only absentee ballots from outside the United States but also for those voters covered by UOCAVA, including domestic uniformed service members, who are nonetheless absent from the place of residence where they are otherwise qualified to vote
Texas	Election Day	5 days after Election Day

Source: GAO 2005 survey of state election officials.

Another challenge for military service members in completing the FPCA is to know where they will be located when the ballots are mailed by the local election official. If the voter changes locations after submitting the FPCA and does not notify the local election official, the ballot will be sent to the address on the FPCA and not the voter's new location. This can be further complicated by a 2002 amendment to UOCAVA,¹² which allowed military personnel to apply for absentee ballots for the next two federal elections. If servicemembers request ballots for the next two federal elections, they must project up to a 4-year period where they will be located when the ballots are mailed. DOD recommended that military servicemembers complete an FPCA annually in order to maintain registration and receive ballots for upcoming elections.

¹²The Help America Vote Act of 2002 amended UOCAVA.

After a valid FPCA has been received by the local election official, the next step for the voter is to receive the absentee ballot. Prior to mailing the ballot, the local election jurisdiction must process the FPCA. Based on one of our recent reports,¹³ local election jurisdictions reported encountering problems in processing FPCAs. For example, 39 percent of the jurisdictions received the FPCA too late to process—a problem also encountered with other state-provided absentee ballot applications. An estimated 19 percent of local jurisdictions encountered the problem of receiving the FPCA too late to process more frequently than the other problems. Other reported problems with FPCAs included (1) missing or inadequate voting residence address, (2) applied to wrong jurisdiction, (3) missing or inadequate voting mailing address, (4) missing or illegible signature, (5) application not witnessed, attested, or notarized, and (6) excuse for absence did not meet state law requirements.

The determination of when the state mails its ballots sometimes depends on when the state holds its primary elections. FVAP has an initiative encouraging a 40 to 45-day transit time for mailing and returning absentee ballots; however, 14 states have yet to adopt this initiative. During our focus group discussions, some servicemembers commented that they either did not receive their absentee ballot or they received it so late that they did not believe they had sufficient time to complete and return it in time to be counted.

After the voter completes the ballot, the voted ballot must be returned to the local election official within time frames established by each state. As we reported in 2004, deployed military servicemembers face numerous problems with mail delivery, such as military postal personnel who were inadequately trained and initially scarce because of late deployments, as well as inadequate postal facilities, material-handling equipment, and transportation assets to handle mail surge.¹⁴ In December 2004, DOD reported that it had taken actions to arrange for transmission of absentee ballot materials by Express Mail through the Military Postal Service Agency and the U.S. Postal Service. However, during our focus group discussions, servicemembers cited problems with the mail, such as it being a low priority when a unit is moving from one location to another;

¹³GAO, *Elections: The Nation's Evolving Election System as Reflected in the November 2004 General Election*, GAO-06-450 (Washington, D.C.: June 6, 2006).

¹⁴GAO, *Operation Iraqi Freedom: Long-standing Problems Hampering Mail Delivery Need to Be Resolved*, GAO-04-484 (Washington, D.C.: Apr. 14, 2004).

susceptibility of mail shipments to attack while in theater; and the absence of daily mail service on some military ships. For example, some servicemembers said that mail sat on the ships for as long as a week, waiting for pick up. Others stated that in the desert, mail trucks are sometimes destroyed during enemy attacks.

Voters must also cope with registration requirements that vary when local jurisdictions interpret state requirements differently. We found variation in the counties we visited in several states as to how they implemented state laws and regulations, with some holding strictly to the letter of the law and others applying more flexibility in accepting registration applications and ballots. For example:

- In Florida, officials in three counties told us they allow registration of applicants who have never lived in the county, while the fourth county said they require a specific address where the applicant actually lived.
- In New Jersey, officials in three counties said they accepted any ballot that showed a signature anywhere on the envelope while the fourth county disqualified any ballot that did not strictly meet all technical requirements.

Some local election officials in the states we visited took actions to help absentee voters comply with state and local voting requirements by tracking down missing information on the registration form or ballot envelope and ensuring that applications and ballots went to the right jurisdiction. However, local officials told us they must balance voting convenience with ensuring the integrity of the voting process. This balance often requires the exercise of judgment on the part of local election officials.

Developing and Implementing a Secure Electronic Registration and Voting System

Developing and implementing a secure electronic registration and voting system, which would likely improve the timely delivery of ballots and increase voter participation, has proven to be a challenging task for FVAP. Eighty-seven percent of servicemembers who responded to our focus group survey said they were likely to vote over the Internet if security was guaranteed. However, FVAP has not developed a system that would protect the security and privacy of absentee ballots cast over the Internet. For example, during the 2000 presidential election, FVAP conducted a small proof of concept Internet voting project that enabled 84 voters to vote over the Internet. While the project demonstrated that it was possible for a limited number of voters to cast ballots online, FVAP's project

assessment concluded that security concerns needed to be addressed before expanding remote (i.e., Internet) voting to a larger population. In 2001, we also reported that remote Internet-based registration and voting are unlikely to be implemented on a large scale in the near future because of security risks with such a system.¹⁵

For the 2004 election, FVAP developed a secure registration and voting experiment. However, it was not used by any voters. The National Defense Authorization Act for Fiscal Year 2002 directed DOD to conduct an electronic voting experiment and gather data to make recommendations regarding the continued use of Internet registration and voting.¹⁶ In response to this requirement, FVAP developed the Secure Electronic Registration and Voting Experiment (SERVE), an Internet-based registration and voting system for UOCAVA citizens. The experiment was to be used for the 2004 election by UOCAVA citizens from seven participating states,¹⁷ with the eventual goal of supporting the entire military population, their dependents, and overseas citizens.

FVAP established a Security Peer Review Group, a group of 10 computer election security experts, to evaluate SERVE. However, in January 2004, a minority report published by four members of the group publicly raised concerns about the security of the system. They suggested it be shut down due to potential security problems that left it vulnerable to cyber attacks. Furthermore, they cautioned against the development of future electronic voting systems until the security of both the Internet and the world's home computer infrastructure had been improved. Specifically, the report stated:

The real barrier to success is not a lack of vision, skill, resources, or dedication, it is the fact that, given the current Internet and PC security technology, and the goal of a secure, all-electronic remote voting system, the FVAP has taken on an essentially impossible task.

According to FVAP, after the minority group issued its report, the full peer review group did not issue a final report. Also, because DOD did not want to call into question the integrity of votes that would have been cast via

¹⁵GAO-01-1026

¹⁶Pub. L. No. 107-107, § 1604 (2001).

¹⁷The seven states were Arkansas, Florida, Hawaii, North Carolina, South Carolina, Utah, and Washington.

SERVE, they decided to shut it down prior to its use by any absentee voters. FVAP could not provide details on what it received for the approximately \$26 million that it invested in SERVE. FVAP officials stated that they received some services from the contractor, but no hardware or other equipment.

Communications technologies, such as faxing, e-mail, and the Internet, can improve communication between local jurisdictions and voters during some portions of the election process. For example, FVAP's Electronic Transmission Service (ETS) has been in existence since the 1990s, and is used by UOCAVA citizens and state and local officials to fax election materials when conditions do not allow for timely delivery of materials through the mail. For the November 2004 general election, FVAP's *Voting Assistance Guide* showed that the states allowed some form of electronic transmission of the FPCA, blank absentee ballot and the voted ballot. However, it is important to note that of the 10,500 local government jurisdictions responsible for conducting elections nationwide, particular local jurisdictions might not offer all of the options allowed by state absentee ballot provisions. As shown in Table 3, for the November 2004 presidential election, 44 states allowed the FPCA to be faxed to the local election jurisdiction for registration and ballot request. In each of these states, the completed FPCA also had to be mailed to the local election jurisdiction. In one state, the completed FPCA had to be mailed or postmarked the same day that the FPCA was faxed. A smaller number of states allowed the blank absentee ballot to be faxed to the voter and an even smaller number of states allowed the voted ballot to be sent back to the local election jurisdiction. According to FVAP's records, in calendar year 2004 ETS processed 46,614 faxes, including 38,194 FPCAs, 1,844 blank ballots to citizens, and 879 voted ballots¹⁸ to local election officials. Total costs to operate ETS in 2004 were about \$452,000. According to FVAP's revised *Voting Assistance Guide* for 2006-2007, only one additional state allowed the faxing of the FPCA for registration and ballot request. Table 3 also shows options allowed by each state and territory for electronic transmission of election materials for the November 2006 election. Two additional states also allowed the faxing of the blank ballot.

¹⁸ Voters sacrifice privacy for timeliness when they return completed ballots by fax.

Table 3: Options allowed by States and Territories for Electronic Transmission of Election Materials for the November 2004 and November 2006 Elections

Number of states that allowed faxing of:	November 2004		November 2006	
	Yes	No	Yes	No
FPCA for registering	44	11	45	10
FPCA for ballot request	49	6	50	5
Blank ballot	31	24	33	22
Voted ballot	23	32	23	32

In September 2004, DOD implemented the Interim Voting Assistance System (IVAS), an electronic ballot delivery system, as an alternative to the traditional mail process. Although IVAS was meant to streamline the voting process, its strict eligibility requirements prevented it from being utilized by many military voters. IVAS was open to active duty servicemembers, their dependents, and DOD overseas personnel who were registered to vote. These citizens also had to be enrolled in the Defense Enrollment Eligibility Reporting System,¹⁹ and had to come from a state and county participating in the project. FVAP officials said the system was limited to DOD members because their identities could be verified more easily than those of nonmilitary overseas citizens. Voters would obtain their ballots through IVAS by logging onto www.MyBallot.mil and requesting a ballot from their participating local election jurisdiction. One hundred and eight counties in eight states and one territory agreed to participate in IVAS;²⁰ however, only 17 citizens downloaded their ballots from the site during the 2004 election. According to FVAP, many states did not participate in IVAS for a variety of reasons including state legislative restrictions, workload surrounding regular election responsibilities and additional Help America Vote Act requirements, lack of technical capability, election procedural requirements and barriers, and unavailability of Internet access.

Despite low usage of the electronic initiatives and existing security concerns, we found that servicemembers and VAOs at the installations we

¹⁹The Defense Enrollment Eligibility Reporting System provides a means for quickly verifying and validating a person as eligible to receive military health care and other DOD benefits.

²⁰The nine states and territories were Kansas, Kentucky, Maryland, Mississippi, Montana, New Mexico, South Carolina, Virgin Islands, and Wisconsin.

visited strongly supported some form of electronic transmission of voting materials. During our focus group discussions, servicemembers stated that election materials for the 2004 presidential election were most often sent and received through the U.S. postal system. Servicemembers also commented that the implementation of a secure electronic registration and voting system could increase voter participation and possibly improve confidence among voters that their votes were received and counted. Additionally, servicemembers said that an electronic registration and voting system would improve the absentee voting process by providing an alternative to the mail process, particularly for those servicemembers deployed on a ship or in remote locations. However, at one location, some servicemembers were more comfortable with the paper ballot system and said that an electronic voting system would not work because its security could never be guaranteed.

Concluding Observations

The federal government, states, and local election jurisdictions have a shared responsibility to help increase military voters' awareness of absentee voting procedures and make the process easier while protecting its integrity. The election process within the United States is primarily the responsibility of the individual states and their election jurisdictions. Despite some progress by FVAP in streamlining the absentee voting process, absentee voting requirements and deadlines continue to vary from state to state. While it is ultimately the responsibility of the voter to understand and comply with these deadlines, varying state requirements can cause confusion among voters and VAOs about deadlines and procedures for registering and voting by absentee ballot. The ability to transmit and receive voting materials electronically provides military servicemembers another option to submit a ballot in time to participate in an election. Although state law may allow electronic transmission of voting materials, including voted ballots, the 10,500 local election jurisdictions must be willing and equipped to accommodate this technology. The integration of people, processes and technology are very important to the United States' election system.

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions that you or other members of the Committee may have at this time.

Appendix I: Related GAO Reports

Elections: The Nation's Evolving Election System as Reflected in the November 2004 General Election. [GAO-06-450](#). Washington, D.C.: June 6, 2006

Elections: Absentee Voting Assistance to Military and Overseas Citizens Increased for 2004 General Election, but Challenges Remain. [GAO-06-521](#). Washington, D.C.: April 7, 2006.

Election Reform: Nine States' Experiences Implementing Federal Requirements for Computerized Statewide Voter Registration Lists. [GAO-06-247](#). Washington, D.C.: February 7, 2006.

Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote. [GAO-05-997](#). Washington, D.C.: September 27, 2005.

Elections: Federal Efforts to Improve Security and Reliability of Electronic Voting Systems Are Underway, but Key Activities Need to be Completed. [GAO-05-956](#). Washington, D.C.: September 21, 2005.

Elections: Additional Data Could Help State and Local Elections Officials Maintain Accurate Voter Registration Lists. [GAO-05-478](#). Washington, D.C.: June 10, 2005.

Department of Justice's Activities to Address Past Election-Related Voting Irregularities. [GAO-04-1041R](#). Washington, D.C.: September 14, 2004.

Elections: Electronic Voting Offers Opportunities and Presents Challenges. [GAO-04-975T](#). Washington, D.C.: July 20, 2004.

Elections: Voting Assistance to Military and Overseas Citizens Should Be Improved. [GAO-01-1026](#). Washington, D.C.: September 28, 2001.

Elections: The Scope of Congressional Authority in Election Administration. [GAO-01-470](#). Washington, D.C.: March 13, 2001.

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