THE PEW
CENTER ON THE STATES

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Making the Election System Work for Military and Overseas Voters

The Pew Center on the States supports policies, practices and technology to improve the accuracy, convenience, efficiency and security of U.S. elections. Pew's Military and Overseas Citizen Voting Initiative aims to remove the obstacles facing military and overseas citizens to ensure they can exercise their right to vote—no matter where they may be around the world.

Millions of Americans—uniformed service members, their spouses and dependents and overseas civilians—are ensured the right to vote in federal elections under the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). Americans overwhelmingly want the system to work well for military and overseas voters. A bipartisan Tarrance Group/Lake Research Partners poll found 96 percent of Americans believe it is important that these voters have an opportunity to vote in U.S. elections. The poll also shows that 81 percent of Americans favor creating a uniform national set of rules for military and overseas voters. However, UOCAVA relies on states for implementation, resulting in a patchwork of state absentee ballot laws and procedures that present impediments to overseas voters.

Obstacles to Overseas Voting

Problems arise for military and civilian overseas voting at every step of the process, from maintaining accurate registration rolls for a highly mobile population, to casting ballots and ensuring the votes are counted to providing information to navigate the complex process of requirements and deadlines.

Earlier this year, Pew issued "No Time to Vote: Challenges Facing America's Overseas Military Voters." The report found that 25 states and the District of Columbia provide

insufficient time for overseas military voters to vote and have their votes count. Pew identified three major factors in various state absentee voting laws and procedures that impede military and overseas voters from voting: relying partially or entirely on mail delivery for the voting process; mailing absentee ballots later in the election calendar and closer to Election Day; and imposing earlier deadlines for returning completed ballots.

The current election system relies on antiquated methods and fails to leverage new technology that has significantly enhanced other aspects of our lives. When combined with inconsistent state laws and absentee ballot procedures, states too often fail to allow overseas voters sufficient time to vote, provide the voting information they need or locate them accurately. As a result, too many do not get a say in our democracy.

A Complex System to Navigate

Military and overseas voters find it difficult to access information needed to properly register and request ballots. The U.S Department of Defense's Federal Voting Assistance Program (FVAP) produces the annual Voting Assistance Guide, a 460-page instruction manual that details the state-by-state procedures governing all these steps. Although Voting Assistance Officers are assigned to assist military personnel with the process, their assistance is limited by regulations and time constraints, leaving these voters to navigate obstacles with little guidance.

Moreover, military voters face a variety of state laws regulating how to request, complete and submit an absentee ballot. A unit of 50 overseas soldiers and contractors could theoretically all have different registration deadlines, balloting options, voting eligibility rules, mailing timeframes, and/or submission deadlines based on their state of residency and when they last voted.

Most overseas voters are also unaware of the Federal Write-in Absentee Ballot (FWAB), a readily available alternative ballot that serves as a backup measure for voters who do not receive their local absentee ballot in time. Although it is universally accepted by states and available for download online, it is seldom used or promoted by states. In addition, states are required to accept the FWAB for federal races, but approximately half accept it for all state and local races as well.[1]

The Result of a Broken System

Based on a survey of seven states by the Congressional Research Service, an average of 27.95 percent of military and overseas ballots in the 2008 election were returned as undeliverable, lost, or rejected.[2] One state in the survey, West Virginia, counted less than 40 percent of UOCAVA ballots.[3] Many voters also give up on the process because they do not receive their information or ballot in time and are unaware of alternatives such as the FWAB.

Even those voters from states with enough time to vote are often only able to do so by faxing or e-mailing their completed ballots, raising concerns about privacy. As a result, many voters must compromise the secrecy of their vote or risk identity theft in order to return their ballot on time. Additionally, e-mail ballots could

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1 In a survey of state election officials, Pew found that 28 states accept the FWAB for all state and local elections, including those not occurring during a federal election. Additionally, 33 states accept the FWAB for all state and local elections occurring during a federal election. These numbers are not complete because two states did not respond to the survey.

2 "Lost" ballots, as defined by the Congressional Research Service, are ballots mailed out but never returned.

3 "Information for the Upcoming Senate Rules and Administration Committee Hearing on the Uniformed and Overseas Absentee Voting Act," Congressional Research Service, May 11, 2009.

increase the risks to the integrity of the election system by allowing unsecure, unverifiable means of submitting completed ballots.

Commonsense Reforms

Although Pew's "No Time to Vote" reported that 25 states and the District of Columbia should improve their absentee ballot procedures to give UOCAVA voters enough time to vote, *all* states could significantly improve their voting process for military and overseas voters. The Pew Center on the States is engaged in a multi-year initiative to advance short and long-term solutions. We are working with the states and a wide array of partners to advance commonsense reforms to make the election system work better for Americans around the world who defend our country and represent its ideals. Those key reforms include the following:

Send Ballots Earlier and Faster

States should print and mail ballots earlier in the election cycle to allow enough time to compensate for any potential delays later in the process. Furthermore, if states would expedite the mailing of ballots through existing mail methods (military mail and postal service), many states would provide voters with sufficient time to vote. Additionally, transmitting blank ballots electronically does not risk voters' privacy while improving the process in all states, especially the 16 states and the District of Columbia that do not currently provide enough time to vote.[4]

Build More Time into the Voting Process

States should allow a minimum of 45 days for ballot transit time (from the date of sending the ballots out to the deadline for receiving them back) and eliminate the notary requirement. Twenty-two states do not follow FVAP's guideline to allow a minimum period of 45 days for ballot transit time. Furthermore, locating acceptable overseas notaries (required by eight states for UOCAVA ballots) costs valuable time in remote locations and could easily be replaced with a self-administered oath, as per FVAP recommendations.[5]

Increase Awareness and Expand the Use of the FWAB

The FWAB currently serves as a safety net for UOCAVA voters who request an official absentee ballot, but either do not receive it or lack the time to return it. Voters can download the FWAB online but many are unaware of its availability. Although the FWAB is accepted by all states, some states elect to accept it only for federal offices or only from uniformed military service members. The states would better serve voters by increasing awareness of the FWAB, making it available to all UOCAVA voters and accepting it for federal, state and local offices.

Develop a Model Law for States

With Pew's support, the Uniform Law Commission (ULC) is drafting a model law for states to eliminate unnecessary procedural requirements and build in at least 45 days for delivery and return of overseas ballots. The goal is to produce a Uniform Military and Overseas Voter Act with consistent timelines, requirements and standards for UOCAVA registration, absentee ballot distribution and ballot voting—not to mention improved technology for ballot transmission.

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4 A December 2008 report, released by the National Institute of Standards and Technology, examined threats to UOCAVA voting systems and found transmitting blank ballots via fax and electronic mail reliable. See Andrew Regenscheid and Nelson Hastings, *A Threat Analysis on UOCAVA Voting Systems*, National Institute of Standards and Technology, December 2008.

5 Ibid

6 "Overseas Vote Foundation Predicts Unprecedented Overseas and Military Voter Participation," Overseas Vote Foundation, Oct. 27, 2008 (Munich). Available at: www.overseasvotefoundation.org/files/Unprecedented_Turnout_Predicted%20v5%20(27.Oct_.2008).pdf

Harness Technology to Streamline the Process

In 2008, Pew joined with the Overseas Vote Foundation (OVF) to provide convenient, online tools, including the Federal Post Card Application (FPCA) and FWAB for military and overseas voters, and also to expand the use of FWAB as a back-up measure. In 2008, 4.75 million visitors (1.25 million in October alone) used the online services, available at *www.overseasvotefoundation.org* as well as the Web sites of both presidential campaigns, state election officials, corporations and civic groups.[6] With a model law and added technical capacity, a version of FWAB could be expanded for use in state and local elections, as well.

Develop 21st Century Technology to Inform Voters

Pew's Voting Information Project (VIP), developed in partnership with state and local election officials and Google, Inc., creates standardized feeds of crucial voting data that include polling locations, registration status, and candidate and issue information on the ballot. These freely available sources of official information make the data available to citizens, civic groups, search engines and other organizations that voters use as resources. Such feeds can and should become a foundation for FWAB/State Write-in Absentee Ballot (SWAB) ballot creation tools and other applications to assist military and overseas voters.

Modernize the Voter Registration System

Pew is leading research and design efforts to modernize the voter registration system to allow for automatic updates of voter files with the most current address information. These efforts would simplify the registration and voting process for highly mobile military and overseas voters and require that government maintain complete and accurate voter registration lists so that all eligible voters—and only eligible voters—can exercise the right to vote.

Contact Us

We welcome your advice and participation. For more information on Pew's Election Initiatives, please visit our Web site at *www.pewcenteronthestates.org* or contact:

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THE PEW CENTER ON THE STATES

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Election Initiatives seeks to foster an election system that achieves the highest standards of accuracy, convenience, efficiency and security.

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