



**UNDER SECRETARY OF DEFENSE**  
4000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-4000

PERSONNEL AND  
READINESS

MAR 17 2011

The President Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

On behalf of the Secretary of Defense and in accordance with the *Uniformed and Overseas Citizens Absentee Voting Act*, I am pleased to forward to you the **2010 Report on the Status and Implementation of MOVE Act Programs** of the Federal Voting Assistance Program, which contains information on absentee voting by uniformed service members.

The Report provides information obtained from an assessment of the effectiveness of the Department's Voting Assistance Officer Program, a description of the specific steps taken towards the implementation of Installation Voter Assistance Officers and a status of the programs established for the collection and delivery of marked absentee ballots.

The enactment of the *Military and Overseas Voter Empowerment Act*, included in the *National Defense Authorization Act for Fiscal Year 2010*, will strengthen voting opportunities for uniformed services and overseas voters, and the Department is moving ahead aggressively to implement the new programs contained in that *Act*.

Should you have any questions or desire additional information, do not hesitate to contact me or the Director, Federal Voting Assistance Program.

Respectfully yours,

Clifford L. Stanley

Enclosure:  
As stated





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MAR 17 2011

The Honorable Joseph R. Biden, Jr.  
President of the Senate  
S-212 Capitol Building  
Washington, DC 20510-0012

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WASHINGTON, DC 20301-4000

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MAR 17 2011

The Honorable John A. Boehner  
Speaker of the House  
U.S. House of Representatives  
Washington, DC 20515

Dear Mr. Speaker:

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Clifford L. Stanley

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## **Federal Voting Assistance Program**



### **REPORT ON THE STATUS AND IMPLEMENTATION OF MILITARY AND OVERSEAS VOTER EMPOWERMENT ACT PROGRAMS**

**March 2011**

This report has been prepared by the staff of the  
Federal Voting Assistance Program  
Washington, DC

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## EXECUTIVE SUMMARY

Section 105A (a) of the *Uniformed and Overseas Citizens Absentee Voting Act of 1986* (UOCAVA, 42 USC 1973ff *et seq.*), as amended in October 2009 by the *Military Overseas Voter Empowerment Act* (MOVE Act, Subtitle H, Public Law 111-84), requires the Department of Defense (DoD) to submit to Congress a report on the status of implementation and assessment of programs directed by the *MOVE Act*. Specifically, DoD is required to report on the following:

- An assessment of the effectiveness of the Department’s Voting Assistance Officer Program to include:
  - A thorough and complete assessment of whether the Voting Assistance Officer (VAO) Program, as configured and implemented as of October 28, 2009 (the date of enactment of the *MOVE Act*), is effectively assisting absent uniformed services voters in exercising their right to vote;
  - An inventory and explanation of any areas of voter assistance in which the Voting Assistance Officer Program has failed to accomplish its stated objectives and effectively assist absent uniformed services voters in exercising their right to vote;
  - As necessary, a detailed implementation plan for any new program to replace or supplement voter assistance activities;
- A detailed description of the specific steps taken towards the implementation of military Installation Voter Assistance Offices (IVAO) and *National Voter Registration Act* (NVRA) designation of those Installation Voter Assistance Offices (IVAO); and
- The status of the implementation of the procedures established for the collection and delivery of marked absentee ballots of absent overseas military voters and a detailed description of steps taken for the November 2, 2010 election.

First, the report assesses the effectiveness of the Department’s Unit Voting Assistance Officer (UVAO) Program and concludes that the delivery of voting assistance services currently provided by the Services and their UVAOs requires a closer examination of the existing program. This report describes FVAP’s online tools, call center capabilities, direct-to-voter focus, training, and outreach which will layer on top of the existing UVAO program in the short term, and if warranted, essentially redefine the UVAOs role and responsibilities it in the long term.

Second, the report describes the specific voter registration assistance steps taken to fulfill the requirements of 10 U.S.C. § 1566a “Voting Assistance: Compliance Assessments; Assistance”. FVAP is currently coordinating with other DoD agencies and the Uniformed Services a complete revision of DoD Directive 1000.04 (“Federal Voting Assistance Program”), which will include instructions to the Services for fulfilling all aspects of the *NVRA* (42 U.S.C. § 1973gg *et seq.*). As an interim measure, the Department issued a Directive Type Memorandum to the Services directing them to establish IVAOs on every military installation offering the specific voting assistance required to be provided to military, military dependent and civilian voters, as well as to establish them as voting registration agencies under *NVRA*.<sup>1</sup>

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<sup>1</sup> An NVRA “voter registration agency” is an office designated under 42 U.S.C. 1973gg (reference (a)) to perform voter registration activities. IVAOs, when designated as an NVRA facility, must comply with the regulations set forth for NVRA voter registration agencies.

Third, this report discusses the efforts of the Federal Voting Assistance Program in support of the Military Postal Service Agency (MPSA), the lead DoD agency responsible for the procedures to collect and deliver marked absentee ballots of absent overseas Uniformed Services voters under Section 103B of *UOCAVA*. MPSA will report separately on the specific efforts to implement the requirements of Section 103B.

## **FEDERAL VOTING ASSISTANCE PROGRAM OVERVIEW**

*UOCAVA* guarantees the federal voting rights of absent Uniformed Service members (including the Coast Guard, the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration), the Merchant Marine, all other U.S. citizens residing outside the United States and their dependents of voting age. *UOCAVA* requires the States and territories to allow these citizens to register and vote in elections for federal office using absentee voting procedures and authorizes federal voting assistance programs.

*UOCAVA* covers an estimated 4.5 to 6.5 million citizens, including two to four million overseas citizens not affiliated with the government, 1.5 million Active Duty Military members, and 1 million military dependents. Management of *UOCAVA* requires coordination with Executive Branch departments and agencies, the Congress, State and local governments, political parties, and national and overseas voting organizations.

The Secretary of Defense is the Presidential Designee for administration of the federal functions of *UOCAVA*.<sup>2</sup> The Secretary has delegated these responsibilities to the Under Secretary of Defense (Personnel & Readiness),<sup>3</sup> who is responsible for designating the Director of FVAP, who is further responsible for all aspects of the program on behalf of the Secretary.<sup>4</sup>

In October 2009 *UOCAVA* was amended by the *MOVE Act*, enacted as part of the *Fiscal Year (FY) 2010 National Defense Authorization Act (FY10 NDAA*, P.L. 111-84). Section 105A(a) of *UOCAVA*, as amended by the *MOVE Act*, required this report no later than 180 days after the date of the enactment of the *MOVE Act*, which was April 26, 2010.

This report was partially delayed by the prohibitions against new program starts contained in the FY10 Continuing Resolution Authorities that preceded the October 28, 2009 enactment of the *FY10 NDAA*. It was also delayed while the Department worked with the Department of Justice to sort out complex and potentially conflicting legislative requirements involved in implementing the authorities granted to designate Installation Voter Assistance Offices as “Voter Registration Agencies” under *NVRA* (10 U.S.C. § 1566a (7)(a)(2)).

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<sup>2</sup> Executive Order 12642, June 8, 1988, 53 FR 21975, 3 CFR, 1988 Comp., p. 575

<sup>3</sup> Department of Defense Directive 1000.04, “Federal Voting Assistance Program,” secs. (1)(a), 4, 14 April, 2004.

<sup>4</sup> *Ibid.*, 5.1.2

## 1: ASSESSMENT OF THE EFFECTIVENESS OF THE DOD VOTING ASSISTANCE OFFICER PROGRAM

*A: Assessment of whether the voting assistance program, as configured and implemented on October 28, 2009, effectively assists absent Uniformed Services voters exercise their right to vote.*

The UVAO program is first and foremost focused on assisting military voters to register to vote, submit an absentee ballot application, and vote in all federal elections. The Federal Post Card Application (FPCA) combines these steps, and the UVAO program has spent considerable effort getting FPCAs to all military personnel at regular intervals, namely in January, July and September of every year.

The results are mixed using performance-based measures of registration rates and voter knowledge of absentee voting processes and UVAO availability. On one hand, military voter registration rates are higher than the general population, with 77% of Active Duty Military registered to vote for the 2008 general election compared to 71% of the general population being registered. When adjusted to match the demographic composition of the U.S. citizens voting age population (CVAP), the military voter registration rate increases to 87%.<sup>5</sup>

On the other hand, voter knowledge of the resources available to them was very low:

- 51% of Active Duty Military voters reported they did not receive assistance from their UVAOs. Of those who did not receive assistance, 48% (of the 51%) stated it was because they did not need assistance. Conversely, this means that 26.5% of those military voters who needed voting assistance did not receive it from their UVAOs.
- 36% of Active Duty Military voters said they did not know they could get help from a UVAO, 33% said they did not have a UVAO, and 46% of Active Duty Military voters said they did not know who their UVAO was.<sup>6</sup>

Once the registration process is complete, the UVAO is to shift focus to ensure military voters have full opportunity to successfully receive, vote, and return an absentee ballot. Again, performance-based metrics show mixed results. On one hand, the military enjoys high voter participation rates across the force: 53% of the military population voted in the November 2008 election, compared to 64% of the general electorate; but when the military voter participation rate is adjusted to account for the significant age and gender differences between the military and general populations, the Active Duty Military voter participation rate jumps to 73%,<sup>7</sup> considerably more than the general electorate's.

As with the higher military registration rates, performance metrics of voter success also indicate substantial shortfalls in the execution of this program, some of which are beyond the control of the Department, such as the fact that 9% of all ballots sent to military voters through MPSA had the wrong address for the military voter. There is also a high ballot return failure rate among

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<sup>5</sup> Federal Voting Assistance Program, *Eighteenth Report on Military and Overseas Civilians Absentee Voting: 2008 Post Election Survey Report*, p. 12.

<sup>6</sup> 2008 Post Election Survey Report, p. 28.

<sup>7</sup> 2008 Post Election Survey Report, p. 16.

military voters. Specifically, many ballots transmitted by election officials to military voters are either never returned or are not returned in time.

While 91% of the general electorate successfully returned their absentee ballots in the 2008 election, only 63% of military voters in the United States and 67% of Active Duty Military voters overseas successfully returned their absentee ballots.<sup>8</sup> This disparity translates into 275,884 military ballots transmitted by local election officials, but never returned by military voters for a variety of reasons

*UOCAVA* provides military and overseas voters a back-up ballot alternative, in the Federal Write-In Absentee Ballot (FWAB), if the voter does not receive his or her absentee ballot in time to successfully return it by the State's deadline. In 2008 34,622 FWABs were submitted by military voters.<sup>9</sup> It is possible military voters simply lost interest in the election and therefore did not take advantage of the FWAB, but surveys of Active Duty Military voters indicate one problem with that explanation: 27% of Active Duty Military voters indicated they were not even aware of the FWAB. FVAP realizes this shortcoming and undertook significant efforts during the 2010 election cycle to advertise the FWAB and encourage its use among the Services. For example, the use of the FWAB was emphasized in e-mails sent to every member of the Uniformed Services both 60 and 30 days before the 2010 election. Additionally, as discussed in greater detail later in this report, an online FWAB wizard was deployed by FVAP so that voters could electronically mark their FWAB with pre-populated federal candidate choices for their jurisdictions. FVAP expects this new program will substantially increase the use of the FWAB among *UOCAVA* voters.

Up to the date of the *MOVE Act's* enactment, almost the entire voting assistance program was built around the UVAO hierarchical structure disseminating paper-based information and distributing paper forms in a timely manner. The UVAOs program was designed to serve as the key source of information for *UOCAVA* voters. But as discussed above, many military voters are unfamiliar with their UVAO and voting assistance programs and resources.

As cited in the FVAP 2008 Post Election Survey Report:

These low UVAO exposure numbers are not new, but reflect what the Department of Defense Inspector General has reported in its annual surveys of FVAP's and the Services UVAO programs since 2002. The results appear constant, and given the DoD IG's comments calling for radically new methods to escape this cycle of frustration, FVAP believes that long term improvements do not lie in simply demanding higher ranking UVAOs of whom more time and effort is demanded. Collateral duties are, by definition, assigned as collateral duties because the expectation is they can be done without disrupting the assigned member's full-time assignment or the service the collateral duty supports.<sup>10</sup>

FVAP also recognizes that the role of the UVAO is inherently limited by time constraints and large numbers of unit members. Voting Assistance Officer duties are invariably collateral duties at the unit level. That is why current DoD guidance is an additional UVAO should be assigned

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<sup>8</sup> 2008 Post Election Survey Report, p. vi.

<sup>9</sup> Calculated from data in DMDC Note No. 2009-36

<sup>10</sup> 2008 Post Election Survey Report, p. 25.

for every 50 unit members after the first 25. However, as found in the *2008 Post Election Survey*, 33% of UVAOs reported assisting between 25-99 people during the primaries and the November 4 general election, and 20% reported responsibility for 100 or more, with the average UVAO responsible for voting assistance to at least 147 unit members. Thirty-five percent of UVAOs spend one to two hours per week on voting duties, with the average per week being 1.78 hours. With 9,518 active duty units, this equates to approximately 440<sup>11</sup> total man-years of work on voting assistance conducted among UVAOs for all five Military Services.

***B: Inventory and explanation of areas of voter assistance in which the Program has failed to accomplish its stated objectives and effectively assist absent Uniformed Services voters exercise their right to vote.***

In reports published since 2002, the Department of Defense Inspector General ( DoD IG) has repeatedly noted a persistent failure of the voting assistance program, particularly at the UVAO level, to provide consistently effective assistance to military voters. The DoD IG specifically identified a lack of voter awareness of the VAO, FVAP, and Services' resources available to assist the voting process.

Despite the substantial investment in VAO training and resources since the 2005 DoD IG report found that "voting assistance will always be a secondary duty [for military Unit Voting Assistance Officers], senior leadership can expect improvement only if a radically different approach is applied,"<sup>12</sup> voter awareness of the UVAO program seems to have changed little in the intervening four years. Findings from the annual DoD IG reports between 2004 and 2006 as well as the *FVAP 2008 Post-Election Survey Report* support this assertion:

- The DoD IG estimated that during the 2004 election cycle VAOs reached 40-50% of the Active Duty Military voters.<sup>13</sup>
- In terms of assistance received, 49% of Active Duty Military voters received assistance from their VAOs in the 2008 election cycle.
- Signifying lackluster VAO exposure, 36% of Active Duty Military voters said they did not know they could get help from a VAO, 33% said they did not have a UVAO, and 46% of Active Duty Military voters said they did not know who their VAO was.<sup>14</sup>

Similarly, the data on military voter awareness of the FVAP.gov web site needs further study in light of recent web site enhancements. For example, the the DoD IG's 2004 survey statistics indicate 62% of Active Duty Military voters were aware of the FVAP website but only 18% were aware of the website in 2005 and 24% in 2006. In 2008, 52% percent of Active Duty Military voters were aware of the FVAP website. These statistics indicate FVAP.gov website knowledge among Active Duty Military rises appreciably during Presidential election cycles, but has not improved between the 2004 and 2008 Presidential election years.

<sup>11</sup> 9,518 Units x 1.78 hours/week per UVAO =16,942 hours/week across the force. That equates to about 881,000 hours/year across the force, or 440 man-years at 2,000 man-hours per man-year.

<sup>12</sup> DoD IG Report No. IE-2005-001, *Evaluation of the Voting Assistance Program*, March 31, 2005, p. 26.

<sup>13</sup> DoD IG Report No. IE-2005-001, p. 22.

<sup>14</sup> *Eighteenth Report*, p. 28.

Previous Government Accountability Office, DoD IG and UOCAVA voter advocacy group criticisms of UVAO performance have been met with legislative mandates forcing greater effort from, and higher standards upon, UVAOs. FVAP believes, however, that it is not the efforts of the UVAOs that have failed, but the structure of the program itself.

However, the recent DoD budget efficiencies and increased federal responsibilities mandated by the *MOVE Act* have placed additional demands on an already burdened UVAO force, whose voting assistance tasks are assigned as a collateral duty. In view of these additional demands, FVAP believes voting assistance must shift its focus to electronic voting tools such as FPCA and FWAB wizards, web portals of information, and downloadable absentee ballots. These services are available to all UOCAVA voters through an easily accessible voting information portal at [www.FVAP.gov](http://www.FVAP.gov). Through this process, the UVAO role would be redefined from simply a distributor of forms to a web portal manager who directs voters to the applicable tool or portal that solves their inquiries in a timely manner. Additionally, this would provide more direct assistance and personal contact with the voter and relieve some of the demands on the UVAO.

Therefore, analysis of annual DoD IG Report data and the FVAP Post-Election Surveys from 2006 and the 2008 general election confirm the DoD IG's portent: little more effective voting assistance can be provided voters without a transformation of the voting assistance program; away from a UVAO forms distribution system and towards a comprehensive web-based voting portal which the voter can access directly and personally.

***C: Plan for the implementation of any new program to replace or supplement voter assistance activities required to be performed under this Act.***

The 2008 Post-Election Active Duty Military Survey data was not available to assess the effectiveness of the UVAO program until April and May of 2009, too late to execute the overhaul envisioned of the UVAO program, augmenting it with the web-based direct-to-the voter electronic voting assistance program. Given the fixed schedule of elections, the variable schedule of Congressional appropriations, and the protracted times required for Federal procurement and hiring, significant program enhancements would have to have been identified by January 2009 in order to be available in time for the 2010 election cycle.

It is instructive to note that even with the UVAO program's mixed results, the military voter registration and participation rates actually exceed that of the general electorate. To the extent that low voter awareness rates can be ascribed to the inadequacies of the UVAO program, so too, the high voter registration and participation rates should be ascribed to the effectiveness of that same UVAO program. Given this wide variance in performance, FVAP believed it best to continue the traditional UVAO program through the 2010 election cycle, layer the additional programs on top of that, and evaluate both methods of voting assistance after the 2010 election.

As a result of these assessments, FVAP developed a comprehensive five-year strategic plan which includes a series of high-level initiatives to be implemented along with the existing UVAO program in an effort to supplement and, if necessary, to eventually redefine and technologically enhance the current UVAO program.

The strategic plan is one part of FVAP's broader strategic planning efforts to execute its vision that military and overseas voters are able to participate and succeed in the absentee ballot and

voting process as easily as if they were at a polling place. Identified in the plan are five strategic goals:

- Improve the *UOCAVA* voter success rates to meet or exceed those of the general absentee voting population;
- Bring State Legislative Initiative Scores to 75%:
- Streamline the *UOCAVA* voting process so that any stage of the voting process can be completed online in no more than 15 minutes; and
- Quantify the overseas civilian population
- To be a model agency

Supporting the strategic goals are five lines of operation, across which are distributed top-level, long-term initiatives that include specific Activities, Tasks, resource requirements, and performance measurements:

- Line of Operation 1: Commit to substantial technology investment
- Line of Operation 2: Provide greater support to the election official
- Line of Operation 3: Improve the voter’s experience
- Line of Operation 4: Set the standard as an open, data-driven organization
- Line of Operation 5: Foster federal, State, local and interagency partnerships and engage with outside advocacy groups

Several of the lines of operation within the strategic plan are comprised of activities and tasks expressly designed to bolster the existing UVAO program. The following sections describe in detail how several FVAP lines of operation will overlay the existing UVAO program and, if warranted, replace it in the long term:

#### *Commit to Substantial Technology Investment*

The DoD IG has commented that since “voting assistance will always be a secondary duty [for military unit Voting Assistance Officers], senior leadership can expect improvement only if a radically different approach is applied.”<sup>15</sup> FVAP believes the future of effective voting assistance lies in direct-to-the voter programs which fully leverage online tools, information and capabilities that do not require assistance from the VAO. Such programs can simplify and accelerate every stage of the voting process for the military voter as well as reduce election administration costs for the election jurisdictions.

As part of its substantial investment in technology to expedite the delivery of blank ballots from local election officials to voters, FVAP introduced three online voting support tools for military and overseas voters, well in advance of the dates required by the *MOVE Act*:

<sup>15</sup> DoD IG Report No. IE-2005-001, p. 26.

- An online Federal Post Card Application (FPCA) wizard<sup>16</sup> enables military and overseas voters to electronically mark their voter registration and absentee ballot requests (with a printed hard-copy and wet signature form return) became operational in June 2010;
- An online Federal Write-in Absentee Ballot (FWAB) wizard allows voters to electronically mark their FWAB with pre-populated federal candidate choices for their jurisdictions, and return them by State deadlines, if their requested State absentee ballots are not received in time to vote. This wizard became available in July 2010; and,
- A family of State-tailored, online absentee ballot wizard started implementation in September 2010. These ballot wizards were federally-funded, vendor-provided, but State-tailored, and provided military and overseas voters the opportunity to receive and mark online a complete federal, State, and local election ballot through an online wizard.

In this third online ballot wizard FVAP invested significant time and resources. FVAP believes online ballot delivery and marking provides the greatest promise for accelerating and simplifying the absentee voting process for military and overseas voters. It also serves as a key test-platform for what is essentially the first-half (from the voter's perspective) of any future online voting system, for which a demonstration project with Uniformed Services voters is required by law.<sup>17</sup>

FVAP, supported by the DoD Business Transformation Agency (BTA), established this family of wizards, first through a Broad Purchase Agreement with six pre-qualified vendors, determined capable of delivering these markable, precinct-level online ballots on which voters were able to mark their ballots online, print them out, sign them with their "wet signature," and then return these ballots to their local election officials by postal mail or alternative return methods allowed by the States.

Over time, as FVAP develops more direct-to-the voter programs and services, the role of the UVAO will be elevated from administrator of the voting assistance process to advocate for the programs and services that FVAP offers.

### *Improve the Voter's Experience*

FVAP also strengthened its outreach efforts in order to promote its program, voting resources, and online tools. Findings from the *FVAP 2008 Post Election Survey Report* indicate that while FVAP resources, such as the *Voting Assistance Guide*, online news releases, and [www.fvap.gov](http://www.fvap.gov) are useful, they are not always known to the UVAOs. In September 2009, FVAP engaged the Department's Joint Advertising and Market Research Studies agency to address requirements of the *MOVE Act* and develop a comprehensive voting assistance communications and "marketing" plan.

Through this effort, FVAP created a broad communications program to increase awareness of its programs and induce military voters to keep abreast of, and use, the online resources of the FVAP.gov website. FVAP is analyzing with its 2010 post-election survey why voters are not

<sup>16</sup> An online "wizard" is an interactive help utility that guides the user through a potentially complex task by asking questions and then populating a file based on the user's answers.

<sup>17</sup> See 42 U.S.C. § 1773ff note, which references Pub. L. 107-107, div. A, title XVI, Sec. 1604, Dec. 28, 2001, 115 Stat. 1277, as amended by Pub. L. 108-375, div. A, title V, Sec. 567, Oct. 28, 2004, 118 Stat. 1919.

aware of and do not currently use the FVAP resources, what they find difficult with the current voting assistance process, and what they most want in their voting assistance programs. From that analysis, FVAP will develop communications and awareness campaigns for the 2012 election cycle broadening the use of media (print, television, electronic, and social) to increase UOCAVA voter usage of the FVAP website, its electronic voting support tools, and to improve success of voters in navigating the UOCAVA process. FVAP believes that only by bringing more UOCAVA voters to the FVAP website, as a comprehensive web-portal, can FVAP provide a more direct-to-the-voter assistance program, reduce the reliance on inherently limited Unit Voting Assistance Officers, improve the quality of assistance provided to these voters, and reduce voting failure caused by inadequate or inaccurate assistance.

Through this initiative, FVAP also specifically created a targeted awareness campaign for 18-24 year old males in the military, who comprise 38% of the Active Duty Military and have the lowest voting demographics. FVAP focused on performing greater outreach to military spouses and dependents, reported by the DoD IG as typically less aware of the voting assistance resources available to them.

To reach this group of voters, FVAP is coordinating with the Deputy Assistant Secretary of Defense for Military Community and Family Policy, and partner with organizations such as the Defense Commissary Agency, the Military Coalition, the Alliance for Military and Overseas Voting Rights (AMOVR), military spouse and family advocacy groups, and the individual Services. By promoting its tools and resources, FVAP will shift the focus of the UVAO program from that of providing direct voter assistance using paper forms and instructions, to that of advocating the use of FVAP.gov, as a web-portal, its online tools, and to save much of their direct assistance for those voters with unique circumstances and problems.

Finally, FVAP solicited and analyzed feedback from the Services and the State Department to expand its 2010 training workshop schedules. Analyzing the projected benefit of workshops based upon attendance at the 2008 cycle VAO workshops, FVAP conducted particularly rigorous analysis of Service and State Department requests to repeat any workshop locations where less than 20 VAOs participated in 2008. If a Service or Department repeated such a request, it was only granted on that Department's promise to bring at least 20 VAOs to a 2010 cycle workshop, or to justify why a repeat appearance was necessary. A comparative analysis of that program will be presented in the Post-2010 Election Report.

To the extent that FVAP is continuing the face-to-face Voting Assistance Officer training workshop program, it will prioritize workshop locations based upon previous VAO attendance and consular services voting requests by embassy or consulate, in the case of VAO workshops for overseas civilian voting support. It will also continue its new outreach program of workshops at joint staffs, such as the Combatant Command headquarters, which may have been missed in the past. FVAP is also combining such traditional VAO training with specific outreach efforts to the Combatant Command Staffs to encourage their monitoring voter assistance programs among their assigned units, as well as intra-theater mail delivery deadlines and expedited ballot transmission and delivery. As a part of its 2010 post-election surveys, FVAP also expanded its questions related to the UVAO and voting assistance programs in order to continue to build new initiatives to support and supplement the UVAO.

### *Provide Greater Support to the Election Official*

FVAP significantly ramped up direct assistance to election officials in the months leading up to the 2010 elections, through call center access, online chat capability, and greater ombudsman support. Specifically, the FVAP call center and online chat capability was available 24 hours a day, seven days a week to election officials as well as voters. Call center staff were increased to handle election cycle surges and call center service levels, and were rated on performance-based measures, such as the number of issues resolved in only one phone call. FVAP's team of Election Official Assistance Officers were cross-trained to resolve ombudsmen issues and escalated call center issues.

While not directly related to voting assistance, this election official assistance was aimed to increase election official adoption of FVAP online tools, and greater State adoption of FVAP recommendations and *UOCAVA* requirements. That effort will continue and be increased in the areas deemed most effective and/or most need, through analysis of the post-2010 election survey, and direct outreach with election officials and their professional organizations. Through such election official assistance, problems can be averted earlier in the election process and election cycle, to solve problems before they become *UOCAVA* voting failure statistics and a potential *UOCAVA* enforcement issue.

## **2: STEPS TOWARD IMPLEMENTATION OF VOTER REGISTRATION ASSISTANCE FOR ABSENT UNIFORMED SERVICES VOTERS**

Section 583 of the *MOVE Act* requires the Service Secretaries to designate offices on military installations as Voter Assistance Offices within 180 days after enactment. These Installation Voter Assistance Offices provide information on voter registration and absentee ballot procedures to Uniformed Services members and their family members. This assistance must be provided:

- Whenever a member executes a permanent change of duty station;
- Deploys overseas for at least six months or returns from such a deployment; and
- on demand.

The Services have reported this assistance is being provided at their installations.

Separately, the Act authorizes the Secretary of Defense to designate Installation Voter Assistance Offices as voter registration agencies under section 7(a) (2) of the *National Voter Registration Act (NVRA)*. The Department directed the Services to so designate these Installation Voter Assistance Offices (IVA Offices) in Directive Type Memorandum 10-021 (DTM 10-021), issued on December 2, 2010. The DTM also requires IVA Offices to provide voter assistance to non-*UOCAVA* citizen voters in addition to the legislative mandated assistance to military members and their families. The IVA Offices not only provide requested assistance, proper voter registration forms – either the Federal Post Card Application (for military members and their dependants) or the National Mail Voter Registration Form (for civilian citizens) – but also offer to transmit the completed form to the appropriate election official for the voter.

To follow up this DTM, FVAP is coordinating within DoD and the Uniformed Services a complete revision of DoD Directive 1000.04 (Federal Voting Assistance Program) to include

instructions to the Services for fulfilling all aspects of the *National Voter Registration Act (NVRA)*. .

FVAP is receiving both the Services IVA Office implementation plans and their post-2010 Election Cycle reports at the time of this writing. The Services' *NVRA* and *MOVE Act* implementation activities include:

**U.S. Army.** The Army incorporated the requirements of implementing an Installation Voter Assistance Office on each installation in the 2010 – 2011 Army Voting Action Plan. The Senior Army Voting Representative stated that after assessing the requirements he determined the Army collateral duty IVAOs can fulfill the role on the installation.

The Installation Voter Assistance Offices are located at the installation In & Out Processing Center or the Army Community Service offices, based on the decisions of respective Commanders. The offices are comprised of two collateral duty civilians or one civilian and one military member. The Installation Voter Assistance Offices will be established at domestic US, European, Pacific and Korean facilities.

To conduct outreach to spouses and military dependents, the Army provides voting information and materials to spouses and dependents through Family Readiness Groups (FRGs). Materials are pre-positioned at the Army Community Service offices, Commissaries, Army & Air Force Exchange Service (AAFES) exchanges and Army Post Offices (APOs). The Senior Army Voting Representative (SSVR) and The Sergeant Major of the Army (SMA) send out voting reminders several times during the election cycle via Army Knowledge Online (AKO), which includes spouses and dependents. The reminders include an attachment of the FPCA or FWAB depending on the timeline of events.

In addition, the SSVR and SMA produced a voting news story and Public Service Announcement (PSA), which is advertised on the DoD Pentagon Channel, Armed Forces Network world-wide and the Army & Air Force Exchange Service in stores. VAOs target spouses and dependents on the installation during the Special Emphasis Months; Armed Forces Voters Week, Armed Forces Voter Month and Absentee Voters Week. VAOs set up assistance tables and booths in high traffic areas on the installation to educate voters and to hand out FPCAs or FWABs.

**Navy.** The Navy distributed a message to the Regional Chiefs of Staff and Executive Directors from the Commander, Navy Installations Command (CNIC) with the requirements to establish a Voters Assistance Office at the installations in anticipation of the DTM, recommending the offices be located where service members and their family members frequent, such as a Personnel Support Detachment (PSD). The decision as to location of the office is at the discretion of the Commanding Officer. Pre-DTM guidance was issued for all Navy Installations to establish a voting office.

In the past, the Navy partnered with the Ombudsman program to provide resources and information about the voting program. For the 2010 election cycle the Navy provided VAO training to unit ombudsmen via webinar. There were two trainings scheduled: one for ombudsmen overseas and one for ombudsmen in the States. Since there are 2,000 ombudsmen throughout the Navy, the goal was to post the training on the ombudsman website where the training can be accessed by all ombudsmen.

**Marine Corps.** The Marine Corps is conducted a job/work analysis to evaluate the feasibility of establishing IVA Offices in the ID Card Centers throughout the Marine Corps. HQMC is recommended two primary locations (Joint Reception Centers or ID Card offices), with the ultimate decision residing with the Base/Station Commanders. All Marine Corps Installations were directed to have the IVA Office established 60 to 90 days after the signed DTM was provided, or by the end of March 2011.

**Air Force.** Manpower and functional managers at Headquarters Air Force started implementation work in February 2010. A directive message from the Chief of Staff of the U.S. Air Force (CSAF) was transmitted to all Major Command (MAJCOM) Commanders, requiring them to stand up Installation Voter Assistance Offices on each Air Force Base.

Installation Voter Assistance Office locations are determined by each installation commander using the recommended area from the directive-type memo (DTM). (e.g., "to be located with identification card processing facility," etc.). and to place the IVA Office directly under the Installation Commander's command.

The Service manning plan is to continue the IVAO position in an "additional duty" status, and providing for an alternate additional duty IVAO as currently required by Air Force Instruction and the Air Force Voting Plan. No funding has been allocated in the *MOVE Act* to specifically fund a full time equivalent (FTE) position for this requirement.

Installations affected include all permanent Air Force bases, approximately 78 total, including one steady state deployed location. At joint bases, each installation has its own IVA Office and set of IVAOs, reporting to their own respective SVAOs. Deployed locations are also currently manned with additional duty IVAOs but are not termed an "installation" requiring an IVA Office with NVRA designation (with the exception of Al Udeid, Qatar).

IVA Offices were directed to be established 60 days from the release of the signed DTM (February 2, 2011), but the Chief of Staff of the Air Force required IVA Office establishment as soon as possible.

Air Force has already implemented *MOVE Act* requirements in the AF Voting Action Plan (since January 11, 2010), requiring:

- 30, 60, and 90-day notifications;
- Requiring assistance be provided to members deploying for six months or greater, and upon their return,
- Permanent change of station (both detaching and reporting); and
- Upon request.

**Coast Guard.** Historically, and given its relatively small and dispersed population, the Coast Guard did not use "Installation" voting offices, relying solely on each unit Voting Assistance Officer with reminders sent directly from Coast Guard Headquarters policy office or the Personnel Service Center via message traffic. Essentially, the Headquarters served as the single "installation" overseeing all unit voting officers. Although not subject to the IVA Office requirements of the *MOVE Act*, the Coast Guard is still pursuing a policy to designate

“installations” for this purpose. Once completed, a revised Service Voting Action Plan will also be developed for implementation of such offices.

Given the significant challenges faced by the Services in establishing IVAOs, FVAP also provided direct training and policy assistance to the Services, by retaining contractor services to conduct onsite training and robust print training and IVA Office procedure documents. The handbook and training package provided detailed instructions on creating the IVAOs, specific guidelines for the operation of the office and outlines in detail the new responsibilities of the installation for offering military, dependant and civilian voting assistance. The handbook and instructional training is also available online at the FVAP website. To complement the handbook and instructional training, FMG conducted 36 instructional training workshops at major Service installations worldwide during July and August 2010, and an additional three webinar presentations in September 2010.

If further assistance was required, installations had 24-hour toll-free access to the FVAP Call Center throughout the summer and fall of 2010.

FVAP hosts monthly status conference calls and quarterly face-to-face meetings, with all the Service Voting Action Officers to monitor implementation, identify problems requiring additional assistance, and to provide assistance to the Services in implementing these requirements, as well as ad hoc meetings when specific problems are identified.

### **3: IMPLEMENTATION OF PROCEDURES FOR THE COLLECTION AND DELIVERY OF MARKED ABSENTEE BALLOTS**

The MPSA executed an aggressive Express Mail plan for return delivery of all absentee ballots transmitted through the Military Postal System from overseas Uniformed Services voters back to local election officials. The Federal Voting Assistance Program closely supported MPSA in these requirements. However, MPSA will report separately on the implementation of its procedures.

#### *Substantial Technology Investment*

Since September 2009, FVAP worked with MPSA to procure bar-code scanners to track Express Mail shipments at military post offices. FVAP also assisted MPSA define the requirements of the *MOVE Act*, and advised MPSA on how to avoid more than \$2.5 million in annual postage costs. Finally, FVAP assisted MPSA analyze the impact on voters of different expedited ballot delivery scenarios and possible responses of the *UOCAVA* voter advocacy groups to the various implementation options.

#### *Legislative Initiatives*

FVAP actively advised the States of the need to ensure that ballots are sent out at least 45 days before the election, and as much earlier than that as possible. FVAP does this through its Legislative Initiatives program, an annual process in which FVAP reviews State legislation on *UOCAVA* voting and develops recommendations and required actions to improve the process. FVAP shared with the States a State-by-State ranked index to measure FVAP’s success in persuading States to adopt its recommended initiatives, and has weighted that index to provide

the most credit for those programs that will address the greatest areas of *UOCAVA* voting failure, return of absentee ballot transmitted by Local Election Officials (LEOs).

Analysis of FVAP's post-2008 election survey of Active Duty Military voters and Local Election Officials indicates the overwhelming incidence of voting failure by *UOCAVA* voters is in ballot delivery and return failure. In fact, more than 78% of the total incidence of voting failure by *UOCAVA* voters is in the ballot delivery and return stage of the voting process.<sup>18</sup> While *UOCAVA* voters experience higher failure rates at every stage of the absentee voting process than do the general electorate absentee voters, most of those failure rates are low enough to be of limited impact on overall voting numbers. But the high incidence of ballot delivery and return failure translates to approximately 275,884 *UOCAVA* voters failing to return a ballot cast to them.<sup>19</sup> While 91% of the general electorate returns their absentee ballot,<sup>20</sup> only 67% of *UOCAVA* voters successfully do so.<sup>21</sup>

Therefore, FVAP's 2009-2010 Legislative Initiatives focused on sending ballots to voters at least 45 days before the election, as now mandated by the *MOVE Act*. For the 2008 general election, MPSA recommended Uniformed Service members serving in Iraq and Afghanistan return their ballots by regular mail at least 28 days before the election and that Uniformed Service members serving at overseas military installations return ballots at least 21 days before the election. The 28 and 21 days are MPSA recommendations solely for the return of the absentee ballot and do not include the transit time required to receive and vote the absentee ballot. A full absentee voting cycle to send, receive, vote, and return the absentee ballot by regular mail would require a doubling of these recommended transit days, *i.e.*, 42-56 days. That is why FVAP also provides bonus points on its ranked index for States who allow ballots to arrive back with the local election official up to 15 days after the election, for a total 60 days round-trip ballot transit process.

To lessen the need for expensive and logistically difficult Express Mail delivery services for marked ballots being returned from voters to Local Election Officials (LEOs), FVAP encouraged the States to allow *UOCAVA* voters to return static electronic copies of their ballots by facsimile or email. Although this is a process that would require the voter to voluntarily relinquish the right to a secret ballot, an *Army Times* survey<sup>22</sup> of Active Duty Military personnel indicated 71% of them would give up that right if emailing the marked ballot was the only way to ensure the ballot was returned in time to be counted.

FVAP also proposes the expanded use of email and online transmission for all election materials throughout the entire *UOCAVA* absentee voting process, replacing fax and postal mail where possible. Until a method for secure electronic transmission of voted ballots has been established, FVAP suggested States allow voters to return static copies of voted ballots through available electronic means. However, the decision to send a voted ballot by unsecured electronic means must rest with the individual voter based on the voter's desire to cast his or her vote electronically or to ensure the secrecy of the ballot.

<sup>18</sup> *Eighteenth Report*, p. 7.

<sup>19</sup> *Eighteenth Report*, p. 8.

<sup>20</sup> Electronic Assistance Commission (EAC) *2008 Election Administration and Voting Survey*, November 2009, p. 2.

<sup>21</sup> *Eighteenth Report*, p. 45.

<sup>22</sup> *Army Times*. "Making Ballots Count," February 1, 2010 p.7.

### *Inter-Agency and Public-Private Partnerships*

To improve the collection and delivery of marked absentee ballots, FVAP focused outreach to 18-24 year-old males in the military, who comprise 38% of the active duty military, but have the lowest voting success rates. FVAP leveraged social media, mobile devices, and online tools to expand outreach to predominantly young, male military members. FVAP has also initiated a technology review in order to launch a pilot with mobile devices in late FY10.

FVAP is exploring a number of options to substantially reduce the incidence of undeliverable ballots because of improper addresses:

- Online military database portals through which Statewide Voter Registration System databases could be compared to at least flag those *UOCAVA* addresses which may have changed, and possibly automatically notify *UOCAVA* voters of such discrepancies so that revised FPCAs may be submitted;
- Automated systems whereby Uniformed Service voters can choose to allow the Department to automatically send an updated FPCA in their name at every change of address;
- Leveraging the electronic ballot transmission requirements of the *MOVE Act*, the relative stability of military email addresses, and the global email address lists most Services maintain, to expedite at least a notification of a ballot delivery address issue, and hopefully to use the email address an alternate address for ballot transmission; and
- A review of the restrictions on releasing military unit mailing addresses to determine whether revisions to those restrictions might be implemented in a way that would continue to maintain adequate force protection and privacy requirements.

### **CONCLUSIONS**

The Unit Voting Assistance Officer (UVAO) program is doing a valiant job of providing assistance to military voters, but more can be done. UVAOs face challenges of time constraints and large numbers of unit members, coupled with a lack of visibility and outreach to their voters. However, over time, as FVAP develops more direct-to-the voter programs and services, the role of the UVAO will be elevated from merely administrating the voting assistance process to that of an advocate for the programs and services that FVAP offers. The timing of legislation, Federal budgeting cycles, fiscal constraints based in part upon Continuing Resolution authority, the process necessary to comply with Federal laws and regulations governing contracting, and high military voter registration rates, have all challenged FVAP's ability to fully address many needed improvements in advance of the 2010 election cycle. The Department believes, however, the FVAP initiatives outlined in this report will greatly supplement and improve the efforts of the UVAOs.