



## **Military and Overseas Citizen Voting Project**

Make Voting Work (MVW), a project of the Pew Center on the States (PCS), supports policies, practices and technologies that will improve the accuracy, convenience, efficiency and security of U.S. elections. PCS's Military and Overseas Citizen Voting Project is one of seven MVW initiatives underway to improve U.S. elections. Specifically, the Military and Overseas Citizen Voting Project addresses the complex process facing military and overseas citizens attempting to register to vote and cast their absentee ballots.

### **Military and Overseas Voting Disenfranchisement is a Problem**

By almost every measure, military and overseas voter participation in the 2006 federal elections was substantially lower than the general population's. MVW estimates that voter turnout was only 20.4%<sup>1</sup> for the military population,<sup>2</sup> compared to the 39.8%<sup>3</sup> of the general population which voted (measured as a percentage of the citizen voting age population, the usual measure of voter participation). This is attributable to a fractured system of voting for our military. Our failure to serve military voters is not a new problem. Leading political figures have documented and called for reform for decades.<sup>4</sup>

Service members want to vote, but are forced to navigate a laborious, complex and failure-prone system in order to exercise that right. Surveys show that military personnel have great interest in election results and voting. For example:

- 77% of the military said they were very interested in the 2004 general election, a 12 percentage point increase over 2000.<sup>5</sup>
- Interestingly, of those military personnel that said they did not vote in 2004, 30% did not because their ballots never arrived or arrived too late to their duty stations and 28% did not know how to get an absentee ballot, found the process too complicated, or were unable to register.<sup>6</sup>

This highlights some of the significant problems of the voting system and how it contributes to very low military voter participation rates. Take for example the number of absentee ballots cast as a percentage of those requested. It requires deliberate effort on the part of a voter to request an absentee ballot, and it is not surprising that 85.8%<sup>7</sup> of absentee ballots requested by the general population in 2006 were cast. But of the absentee ballots requested by military personnel, only 26.5%<sup>8</sup> were actually cast.

In effect, thousands of military voters are not voting. Simply increasing military voting averages to the historically low general population's averages would afford thousands more military personnel the opportunity to exercise their right to vote. For example:

- If 39.8% of the military had voted in 2006 instead of only 20.4%, an estimated 257,000 more military ballots would have been cast.<sup>9</sup>

- If 85.8% of the military absentee ballots requested had been cast in 2006 instead of only 26.5%, an estimated 391,000 more military ballots would have been cast.<sup>10</sup>

### **Without Assistance, Military and Overseas Voters Fail to Navigate the Voting Process**

Military and overseas voters are faced with a daunting voting process that has seven major steps and up to 13 discrete sub-steps, from deciding to participate in the electoral process to actually casting a vote. The diversity of state requirements and limitations of the help provided by the Department of Defense hinders these voters.

For example, the Voting Assistance Guide that the Department of Defense’s Federal Voting Assistance Program (FVAP) produces yearly is a 460-page instruction manual that details the state-by-state procedures for completing and sending in the Federal Post Card Application (FPCA, the combined voter registration and absentee ballot form the Uniformed and Overseas Citizens Absentee Voter Act (UOCAVA) of 1986 directs military and overseas voters to use) and Federal Write-in Absentee Ballots (FWAB—a military/overseas version of a provisional ballot to be used if the requested absentee ballot does not arrive in time). When a service member or overseas citizen gets a copy of the FPCA, he or she must reference his or her state’s five to ten pages of specific instructions to determine which FPCA blocks to fill out.

Not surprisingly, a significant proportion of UOCAVA absentee ballot requests are rejected by local election officials. Despite the training and assistance attempted by unit Voting Assistance Officers (VAOs), and the availability of the Voting Assistance Guide, military voters have considerable difficulty filling out the FPCA correctly. The Federal Voting Assistance Program (FVAP) and Overseas Vote Foundation (OVF) have surveyed local election officials regarding FPCAs, and both surveys show sizeable problems. Table 1 details the findings.

**Table 1: Percent of Local Election Officials Reporting Problems with Federal Post Card Applications<sup>11</sup>**

<b>FPCA Problem</b>	<b>FVAP</b>	<b>OVF</b>
Incomplete Forms	-	33%
Invalid Information*	17%	10%
Illegible Information	22%	12%
Received Too Late	11%	-
No Signature	11%	-
No Political Party Preference	11%	-
No Social Security Number	7%	-

\*FVAP – 17% of local election officials experienced problems with UOCAVA citizens mailing the FPCA to the wrong jurisdiction.

The result is that at least 6% of military FPCAs in 2004 were not processed due to some error.<sup>12</sup> If that rate held into the 2006 election, almost 40,000 military ballot requests were rejected.<sup>13</sup>

## Federal Voting Assistance Program Rated “Not Effective” in Supporting Military and Overseas Voters

Despite personal attention by the highest levels of Department of Defense leadership, and spending of tens of millions of dollars to support military and overseas voters, the Federal Voting Assistance Program consistently fails to make the election system work for these voters. Designated by the President as the executive agent responsible for implementing the protections of UOCAVA, FVAP has been the subject of annual program reviews by the Department of Defense Inspector General since the 2000 election.

Unfortunately, the Department of Defense Inspector General Reports highlight shortcomings of the Voting Assistance Program, particularly at the unit Voting Assistance Officer level, to provide effective assistance to military voters. Those reports show Voting Assistance Officers<sup>14</sup> consistently failing at such basic tasks as providing military voters access to the FPCA and FWAB. Table 2 shows a trend analysis of the Inspector General’s annual report on a number of key elements of the Voting Assistance Program.

**Table 2: Performance of Voting Assistance Program in Supporting Military Voters<sup>15</sup>**

Voting Assistance Program Requirement	2004	2005	2006
FPCAs delivered by Deadline	21%	24%	25%
Aware of FPCA Use and Purpose	55%	25%	33%
Aware of FWAB Use and Purpose	36%	25%	31%
FWAB received	35%	21%	21%

While the Department of Defense has made attempts to strengthen the Voting Assistance Program, the number of personnel who are aware of the FPCA form has dropped significantly. Due to the challenges VAOs confront in fully executing their responsibilities (e.g., lack of training and resources), the Inspector General estimated that during the 2004 election cycle VAOs only reached 40-50% of the military voters.<sup>16</sup> Given these persistent problems, the Inspector General concluded in 2005 that the Voting Assistance Program was “Not Effective” and because “voting assistance will always be a secondary duty, senior leadership can expect significant improvement only if a radically different approach is applied.”<sup>17</sup>

The Federal Voting Assistance Program is placed in an untenable position: they are assigned the responsibility but not granted the authority to effect the change necessary to better enfranchise military voters. FVAP officials have little leverage with local election officials to change state and local election laws to protect military voting rights. While federal and state election officials and policy makers are sympathetic to the problems faced by military and overseas voters, they are also attentive to the constitutionally authorized election administration authority granted the states. The states themselves, however, cannot individually clear away the myriad conflicting provisions found in state laws across the county. For coordinated action to succeed, however, the strong bipartisan political support for reform that exists must be sustained and marshaled. Yet, interest too often dissipates after a general election cycle with no headlines and no representatives from

this dispersed population in place to consistently raise the issue when state legislatures are in session.

### **The Military Postal System Cannot Deliver Absentee Ballots to Military and Overseas Voters in Time**

In 2006, 84% of the FPCAs submitted, 96% of the blank absentee ballots received and 95% of the voted ballots returned were sent by postal mail.<sup>18</sup> This is true despite the fact that some states allow transmission by fax, e-mail or FVAP's Electronic Transmission Service (which accepts fax or e-mail transmissions from military and overseas voters and forwards them to LEOs in the format required by state or local rules).

For the military, mail is not handled simply by the United States Postal Service. To reach military units, mail is transferred from the U.S. Postal Service to the Military Postal System Agency and then shipped through military logistics channels. This mail can be placed in a position of competing against military supplies for space. Operational, hostile and remote locations can delay mail delivery further. The military standard for delivering mail to and from military personnel in combat zones is 12 to 18 days.<sup>19</sup>

Department of Defense officials claim that mail is transiting smoothly, even to remote operational sites in Iraq and Afghanistan, citing 11-13 day transit times.<sup>20</sup> However, the Government Accountability Office determined that the methodology the Military Postal Service Agency used to compute that average mail delivery time was fundamentally flawed, and weighted to underestimate actual average transit times. Because of this weighting error, "the 'weighted average' methodology...significantly understate[s] actual transit time."<sup>21</sup>

The time of mail delivery is critical, especially for blank and voted ballots, because on average, states don't send absentee ballots until 35-40 days before the election. For some states, like Rhode Island and Massachusetts, ballots are sent 21 days prior to the election. With the military postal standard mail delivery time being 24-36 days round-trip, there is little, if any room for delay or error.

These delays are exacerbated by the fact that most military personnel transfer units every two to three years, and temporarily deploy overseas every 18-24 months. Because of this, the addresses on FPCAs submitted in one election cycle are likely to be obsolete come the next. Local election officials cite this as one of their biggest concerns with military voting.

In 2006, these factors resulted in more than 35,000 military and overseas citizen absentee ballots being returned to local election officials as undeliverable,<sup>22</sup> and 20% of responding UOCAVA voters either never receiving requested absentee ballots or receiving them too late to cast.<sup>23</sup> This is the primary reason that military and overseas voters are 70% more likely than voters in the general population to have their ballots rejected from the voting process as either undeliverable or cast too late.<sup>24</sup>

### **Progress Requires New Approaches**

Real progress requires new approaches to this problem, both in terms of the scope and breadth of the solutions considered. It is time to expand national efforts in support of military and overseas voting across multiple fronts, including:

- More consistent and simplified state laws that reduce barriers for military and overseas voters while preserving the system's integrity;
- The employment of tested technologies to simplify the military and overseas citizen voting process by enabling voters to take greater advantage of the FWAB, updating registration rolls through database matching, expanding state online registration and verification programs and facilitating the transmission of ballots; and
- New partnerships with those committed to ensuring the franchise of military and overseas citizens.

Through Make Voting Work, the Pew Center on the States is launching a multi-year initiative to advance a set of short and long-term solutions. Initial steps include the:

Adoption of a Uniform State Law on Military and Overseas Voting: The Uniform Commercial Code is widely hailed as an example of states working together, without federal action, to implement uniform laws for the improvement of commerce and civil law. It was developed and is maintained by the Uniform Law Commission (ULC, formerly known as the National Conference of Commissioners of Uniform State Laws).

ULC is trusted by state policymakers across the political spectrum and has a long track record of success. Further, when a draft uniform law is adopted by ULC, they then apply their lobbying resources to seek enactment throughout all states and territories. Such an initiative by ULC would provide the leadership around which state government organizations and leading stakeholders from the business, military, university and other civilian communities could rally.

The ultimate goal would be a Uniform UOCAVA Implementation Act with consistent timelines, requirements, and standards for UOCAVA registration, absentee ballot distribution and ballot voting and the adoption of that law by 10 states in 2011, and a majority of states by 2013, including those with major populations of military and overseas voters.

Creation of an Online Federal Write-In Absentee Ballot Tool: The 484,000 military personnel that requested military ballots in 2006 but did not get to cast them did have other options to vote; they could have submitted a Federal Write-In Absentee Ballot for at least the federal election. But lack of knowledge about FWABs, and the difficulty of complying with the individual states' requirements sharply limit their use—only 31% of military voters surveyed in the 2006 DoD IG Report were even aware of the FWAB's existence (see Table 2), and 34% of the FWABs cast were rejected.<sup>25</sup>

Pew has already engaged OVF to build upon its FPCA tool and develop an online FWAB tool. This tool will convert the FWAB to a PDF form file and provide a race-by-race choice of candidates as they appear on the regular absentee ballots. As the UOCAVA voter makes his or her choices, the PDF form will be filled out. After all races are voted or intentionally skipped, the FWAB tool will double-check all entries to ensure the form is complete and create a PDF that can be printed out with the address of the local election official and instructions the voter needs to satisfy their jurisdiction's unique requirements.

This project will provide federal voter services in all 54 states and U.S. territories and is expected to be initially operational in September 2008. With the uniform law and added technical capacity, the Write-In Absentee Ballot application could be expanded to all state offices in future election cycles.

Testing of a Military Voter Address Verification System: At least 35,000 military ballots were returned as undeliverable in 2006 and untold numbers of the more than 70% of absentee ballots that were never returned likely ended up in dead-letter piles due to out-dated addresses, despite the fact that the Department of Defense's Defense Enrollment Eligibility Reporting System (DEERS) has all military personnel's current assignment and address. However, force protection and privacy concerns do not allow for the public dissemination of this information.

The Help America Vote Act's requirement for states to develop centralized statewide voter registration system databases provides the opportunity to capitalize on each state and territory's National Guard access to the DEERS database. As a state agency with periodic federal responsibilities, the National Guard combines the unique capability of access to federal systems with the ability to accept non-governmental funding and assistance.

MVW, therefore, is exploring whether a limited two or three state pilot could be undertaken this election cycle under which the state election official in charge of the statewide database could have that state's National Guard compare the two databases for correct military personnel addresses before absentee ballots are sent. Since the National Guard would conduct the review, privacy and force protection concerns would be avoided. Further, only military personnel that had already registered to vote would appear in the states' databases, and only those personnel requesting an absentee ballot would have their military address updated with the state. Results from this pilot could then be used to inform further expansion.

Next Steps: In September, the Pew Center on the States' Make Voting Work will host a national conference. Make Voting Work partners and those concerned about military and overseas voting will gather to discuss research to date, raise the visibility of this issue with the public and policy leaders, and announce strategic partnerships and progress to date on the initiatives.

We welcome your advice and participation. For further information, please contact:

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## End Notes

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<sup>1</sup> The total military Citizen Voting Age Population is 1,325,229 (total military population of 1,356,201 (David Chu, *2006 Population Representation in the Military Services* (Washington, D.C.: Office of the Under Secretary of Defense, Personnel and Readiness, February 1, 2008), tables B-22 and B-30, (from [http://www.defenselink.mil/prhome/PopRep\\_FY06/](http://www.defenselink.mil/prhome/PopRep_FY06/) (accessed March 4, 2008))), minus 30,972 non-citizen personnel (Valerie Alvord, “Non-citizens fight and die for adopted country,” *USA Today* (April 8, 2003), [http://www.usatoday.com/news/world/iraq/2003-04-08-noncitizen-usat\\_x.htm](http://www.usatoday.com/news/world/iraq/2003-04-08-noncitizen-usat_x.htm), accessed March 10, 2008).

The total UOCAVA absentee ballots cast in 2006 was 263,793 of which 66.4% of those ballots cast that were categorized were categorized as military ((U.S. Election Assistance Commission (EAC), *UOCAVA Survey Report Findings* (Washington, D.C., September 2007) table 19). Extrapolating that percentage into the uncategorized UOCAVA ballots cast as well comes to 175,091 military absentee ballots cast.

Additionally, the Defense Manpower Data Center calculates that 7% of the total military population voted in person in 2006 (Defense Manpower Data Center, Human Resources Strategic Assessment Program, *2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees*, Survey Note No. 2007-010 (Washington, D.C.: May 7, 2007), Table 1), or 94,934 military ballots cast in person.

Therefore, a total of 270,093 military ballots were cast by absentee ballots or in person. This divided by 1,325,229 military Citizen Voting Age Population is 20.38% military voter participation.

<sup>2</sup> One of the key problems with the current data on military voting, in this case the EAC 2006 Survey data, is the inconsistency of the data across the states. A particular problem with the states’ collection of UOCAVA voter data in 2006 is the large proportion of uncategorized data, neither categorized as military or overseas citizen voters. For example, nearly two thirds of the total 992,034 UOCAVA ballots requested are uncategorized and about one-third of the 263,793 UOCAVA ballots cast are uncategorized.

But in the aggregate, the proportions are remarkably consistent, especially in the percent of voting actions categorized as military or overseas citizen. Of the UOCAVA absentee ballots requested, cast, cast or counted, advance ballots transmitted, and Federal Write-in Absentee Ballots received, the percent of the data that was categorized was consistently about two-thirds military, ranging from a low of 64.7% (Advance Ballots Transmitted, Table 23) to a high of 70.6% (FWABs received, Table 24). The two standard deviation range was only plus-or-minus four percentage points, and the mean was 67%. Given this remarkable consistency, it appears reasonable to draw from the statistical aggregation of this data as indicative of the entire population.

<sup>3</sup>  $82,121,411$  (General Population Turn-out) /  $206,286,000$  (General Population CVAP) = 39.8% of the nation’s citizen voting age population participated in the 2006 election. (U.S. Election Assistance Commission, *The 2006 Election Administration and Voting Survey: A Summary of Key Findings* (Washington, D.C., December 2007), p. 12.)

<sup>4</sup> Letter from President Harry Truman in Congressional hearings on “H.R. 7571 and S. 3061: Bills to permit and assist Federal personnel, including members of the Armed Forces, and their families, to exercise their voting franchise,” 82d Cong., 2d Sess. (June 26 and July 1, 1952), pp. 35-37.

<sup>5</sup> Polli Brunelli, *The Federal Voting Assistance Program, 17th Report* (Washington, D.C.: Department of Defense, Federal Voting Assistance Program, October 2005), chart 1, p. 1.

<sup>6</sup> Ibid, chart 10, p. 12

<sup>7</sup>  $11,183,486$  (Domestic Citizen Absentee Ballots Cast – Table 26) ÷  $13,039,008$  (Domestic Citizen Absentee Ballots Requested – Table 30b) = 85.8%. See U.S. Election Assistance Commission, *The 2006 Election Administration and Voting Survey: A Summary of Key Findings* (Washington, D.C.: December 2007), tables 26 and 30b.

<sup>8</sup> Using the same analysis as the military absentee ballots cast, in 2006, 992,034 total UOCAVA absentee ballots were requested, of which 66.5% of those ballots requested that were categorized were categorized as military. ((U.S. Election Assistance Commission, *UOCAVA Survey Report Findings* (Washington, D.C., September 2007) table 22). Extrapolating that percentage into the uncategorized UOCAVA ballots requested as well comes to 659,703 military absentee ballots requested.

A total of 175,091 military absentee ballots were cast (see note 1) ÷ 659,703 military absentee ballots requested = 26.54% absentee ballot cast rate.

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<sup>9</sup> 39.79% (general population voting participation rate, see note 5) x 1,325,229 military citizen voting age population = 527,255 military votes that would have been cast if the military had voted at the same rate as the general population. Subtracting the 270,093 military votes actually cast in 2006 comes to 257,162.

<sup>10</sup> 659,703 total military absentee ballots requested x 85.77% general population absentee ballot cast rate = 565,823 military absentee ballots that would have been cast if the military absentee ballots requested had been cast at the same rate as the general population. Subtracting the 175,091 military absentee ballots actually cast comes to 390,732 additional military ballots that would have been cast.

<sup>11</sup> FVAP: Brunelli, *The Federal Voting Assistance Program, 17<sup>th</sup> Report*, Chart 11, p. 14; OVF: Susan Dzieduszycka-Suinat and Thad Hall, *2006 Post Midterm Local Election Official Survey Report* (Arlington, VA: Overseas Vote Foundation, 8 May 2007), p. 4.

<sup>12</sup> Brunelli, *The Federal Voting Assistance Program, 17<sup>th</sup> Report*, p. 21.

<sup>13</sup> 659,703 military absentee ballots requested x 6% military FPCA rejection rate = 39,582 military absentee ballots rejected.

<sup>14</sup> The Department of Defense mandates that at least one voting assistance officer be designated for each 50 members of a unit. In addition to their non-voting related primary responsibilities, VAO's are asked to provide a range of services to help members of the unit vote.

<sup>15</sup> 2004 data: U.S. Department of Defense Inspector General (DoD IG), *Evaluation of the Voting Assistance Program*, Report No. IE-2005-001 (Washington, D.C., March 31, 2005); 2005 data: DoD IG, *Evaluation of the Voting Assistance Program*, Report No. IE-2006-001 (Washington, D.C., March 31, 2006); 2006 data: DoD IG, *2006 Evaluation of the Federal Voting Assistance Program in the Department of Defense*, Report No. IE-2007-004 (Washington, D.C., March 31, 2007). Note that all the DoD IG reports have an identical caveat saying that "the summarized data cannot be generalized beyond the [selected] locations evaluated because the locations were selected judgmentally, and the data are too few to support any possible generalizations beyond those of the participants whose responses were recorded."

<sup>16</sup> DoD IG, *2004 Evaluation of the Voting Assistance Program*, p. 22.

<sup>17</sup> *Ibid.*, pp. 17, 26.

<sup>18</sup> Defense Manpower Data Center, Human Resources Strategic Assessment Program, *2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees*, Survey Note No. 2007-010 (Washington, D.C.: May 7, 2007), pp. 36, 38, 40.

<sup>19</sup> Army Field Manual 12-6 states, "[t]he standard of service for first class mail is 12 to 18 days from the point of origin to individual soldiers worldwide." Chapter 6, "Doctrinal Requirements and Standards of Support" section, available at <http://www.globalsecurity.org/military/library/policy/army/fm/12-6/Ch6.htm#top> (accessed February 29, 2008).

<sup>20</sup> Barbara Barrett et. al., *Military Postal Service Task Group, Report to the Secretary of Defense*, Report FY05-5 (Washington, D.C.: Defense Business Board, December 2005), Part I, p. 5.

<sup>21</sup> Neal P. Curtin, *OPERATION IRAQI FREEDOM: Long-standing Problems Hampering Mail Delivery Need to Be Resolved*, GAO Report 04-484 (Washington, D.C.: Government Accountability Office, Defense Capabilities and Management, April 14, 2004), p. 12.

<sup>22</sup> EAC, *UOCAVA Survey Report Findings*, p. 3. Due to the mobile nature of this population, expired change of address orders and reliance on international mail suggest this figure significantly understates the number of misdirected absentee ballots.

<sup>23</sup> Overseas Vote Foundation, *OVF 2006 Post Election Survey Results* (Arlington, VA: February 8, 2007), p. 18, available at [https://www.overseasvotefoundation.org/files/2006\\_OVF\\_Post\\_Election\\_Survey\\_Report.pdf](https://www.overseasvotefoundation.org/files/2006_OVF_Post_Election_Survey_Report.pdf), (accessed March 6, 2008).

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<sup>24</sup> EAC, *UOCAVA Survey Report Findings*, p19. “The biggest reason (over 70 percent) reported by States and local jurisdictions for not counting the ballots was that they were returned as undeliverable. As a result, the ballots were not even eligible to be cast.”

<sup>25</sup> 63.7% of FWABs cast were counted, or conversely, 36.3% of FWABs cast were not counted. (EAC, *UOCAVA Survey Report Findings*, Table 21a, p. 32.)