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May 12, 2009

The Honorable Charles Schumer
Chairman, Committee on Rules and Administration
United States Senate
305 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Schumer:

Thank you for addressing the daunting problems that millions of American military personnel and citizens who live overseas face every year when attempting to vote. Although the federal 1986 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) guarantees the right to vote in federal elections for millions of Americans, variations in the administration of the absentee voting process in the 50 states and the District of Columbia prevent many military and overseas civilians from participating in U.S. elections. Problems arise at every step of the process–from maintaining accurate registration rolls for this highly mobile population, to casting ballots and ensuring those votes are counted, to providing access to the information required to navigate the election process. Pew is working to advance solutions on all of these fronts.

As part of our efforts, the Pew Center on the States recently published *No Time to Vote: Challenges Facing America's Overseas Military Voters*, a comprehensive report on the administrative obstacles overseas military voters are confronted with in casting their ballots. This report has already sparked discussion in state legislatures about how to remove impediments to voting for Americans abroad. We respectfully submit the attached copy of *No Time to Vote* for the record of the Senate Committee on Rules and Administration hearing on "Problems for Military and Overseas Voters: Why Many Soldiers and Their Families Can't Vote" on Wednesday, May 13, 2009.

American military and overseas voters deserve access to an election system that provides the highest standards of accuracy, convenience, efficiency and security. Although many state and local election officials have attempted to improve the situation for military and overseas voters, too many continue to fall short. Indeed, *No Time to Vote* found that when delivery time is included as a factor, 25 states and the District of Columbia do not provide enough time for overseas military voters to return their ballots in order to be counted. To rectify these problems, *No Time to Vote* makes several recommendations for changes to state or federal law, including sending out overseas absentee ballots sooner, eliminating notary and witness requirements and harnessing technology to allow for the electronic transmission of ballots and election materials to voters overseas. The Pew Center on the States is also working with the Uniform Law Commission to craft a uniform state law which would implement these recommendations.

On other fronts, we are actively engaged with our partners at Google to help state and local election officials make official voting information available on the Internet through the Voting Information Project (VIP). VIP presents the promise of automatically-generated write-in ballots via the Internet (complete with federal, state and local contests) which would streamline the voting process for Americans abroad. Pew also founded and helps to coordinate the Alliance for Military and Overseas Voting Rights (AMOVR) and is leading a design initiative with state and local election officials and technology experts striving to modernize our outmoded voter registration system.

We commend your efforts to improve access to our election system for the men and women serving overseas. Thank you for your consideration of our request for *No Time to Vote: Challenges Facing America's Overseas Military Voters* to be introduced into the record of the May 13 Committee hearing. We are also available to brief you in greater detail on these or other election issues within the Committee's jurisdiction.

Please contact me at 202-552-2113 or dchapin@pewtrusts.org if you have any questions.

Sincerely,

Doug Chapin
Director, Election Initiatives
The Pew Center on the States

THE PEW CENTER ON THE STATES

No Time to Vote

CHALLENGES FACING AMERICA'S OVERSEAS MILITARY VOTERS

JANUARY 2009

The Pew Charitable Trusts applies the power of knowledge to solve today's most challenging problems. Our Pew Center on the States (PCS) identifies and advances effective policy approaches to critical issues facing states. Make Voting Work, a project of PCS, seeks to foster an election system that achieves the highest standards of accuracy, convenience, efficiency and security.

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For additional information on the Pew Center on the States, please visit *www.pewcenteronthestates.org*.

January 2009

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THE PEW CENTER ON THE STATES

January 2009

Dear Reader:

American democracy is based on a very simple bargain: We agree to live within the bounds of civil society because we have a say in how it works. Unfortunately, some military personnel who put their lives on the line for our country are being cut out of that bargain. Because of the time it takes military personnel serving overseas to request, receive and return absentee ballots, too many of these men and women do not get a say in how America operates.

No Time to Vote: Challenges Facing America's Overseas Military Voters, a new report from the Pew Center on the States, found that more than a third of states do not provide military voters stationed abroad with enough time to vote or are at high risk of not providing enough time. An additional six states provide time to vote only if their military personnel overseas return their completed absentee ballots by fax or e-mail—a practice that raises important questions about their access to this technology and the privacy and security of their votes. All told, 25 states and Washington, D.C., need to improve their absentee balloting rules for military voters abroad. In fact, given our conservative assumptions, the other 25 states would better serve these voters by giving them additional time to request and return their ballots as well.

This report underscores that your ability to cast a ballot and have it counted depends on your home state. Imagine two Americans, one from Alabama and one from Kansas, stationed together in Iraq. Thanks to differences in the states' laws, Jane from Kansas will get her ballot sooner and have more time to return it and have it counted than will her fellow soldier John from Alabama. It shouldn't matter what state you're from—all Americans at home or abroad should have access to an election system that works for them.

A bipartisan Tarrance/Lake poll found that 96 percent of Americans believe it is important that military and overseas voters have the opportunity to participate in U.S. elections and have their votes count—and nearly two-thirds of Americans think the system for these voters is not serving them well.

Fortunately, common-sense solutions are available to solve many of the problems highlighted in this report. The Pew Center on the States is committed to improving how the election system works for all voters, including those serving in our armed services and living overseas. Individual states have adopted a wide range of improvements to serve military and overseas voters—but the result is a confusing, 50-state patchwork of rules and deadlines. Pew is working with the Uniform Law Commission to explore the feasibility of developing a uniform law for all voters covered under the federal UOCAVA Act, including members of the military, their families and other U.S. citizens living abroad. Our goal is to have such a law adopted by states in time for the 2012 federal election.

We hope this report informs important deliberations at the state and federal level to ensure that all Americans—regardless of where they are—are able to exercise their right to vote.

Sincerely,

Sue Urahn
Managing Director, The Pew Center on the States

Executive Summary

Thanks to a federal law passed in 1986—the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)—an estimated six million military and overseas civilian voters have the right to cast absentee ballots in America's federal elections, including last year's historic presidential contest. But it is the laws and practices of the 50 states and the District of Columbia that determine how and when these voters participate—and, most important, whether they can successfully cast a ballot.

Many state and local election officials are doing a remarkable job trying to ensure that American military voters serving around the world are able to participate in our federal elections. But *No Time to Vote: Challenges Facing America's Overseas Military Voters* shows that 25 states and the District of Columbia have to improve their absentee voting process for their military citizens abroad. We do not yet know how many military voters stationed overseas cast absentee ballots in the 2008 elections, or how many of those ballots actually were counted. But according to our analysis, those who may have voted successfully last fall did so in the face of procedural hurdles and tight deadlines in half the states and Washington, D.C. These challenges ranged from blank ballots being mailed out too late to completed ballots being returned by fax or e-mail, which raises questions about the privacy and security of the votes. In fact, given our conservative assumptions, the remaining states, with time to vote, would also benefit from giving their voters additional time to request and return their ballots.

Our Focus

Comprehensive, solid data on absentee voting for military and overseas voters are hard to come by, but some studies suggest states' systems are not working as well as they should. According to the federal Election Assistance Commission, of the estimated one million ballots distributed to UOCAVA voters for the 2006 election, just one third actually were cast or counted.[1] No doubt some of these voters simply decided not to return their ballots—but surveys of military personnel show that this population historically has been frustrated by obstacles in the process. Among military personnel who reported not voting in 2004, 30 percent said they were not able to vote because their ballots never arrived or arrived too late. Another 28 percent said they did

> 25 states and the District of Columbia have to improve their absentee voting process for their military citizens abroad.

not know how to get a ballot, found the process too complicated, or were unable to register.[2]

Given these concerns, we sought to assess whether states are providing military and overseas civilian voters with enough time to vote and have their votes counted. We looked at the three groups of voters covered under UOCAVA: civilians living overseas; military personnel stationed in the United States and their dependents; and military personnel stationed abroad and their dependents.[3] Our analysis ultimately focuses only on military voters based abroad. Unfortunately, we lacked the necessary information—reliable estimates of international mail time for civilians, among other data—to complete the assessment for overseas civilian voters. We also could not assess the experience of military voters stationed in the U.S.;

Exhibit 1

STATES' TIME TO VOTE STATUS

State	Military Voters Serving Overseas
Alabama	No Time to Vote
Alaska	Time to Vote, but with concerns
Arizona	Time to Vote, but with concerns
Arkansas	No Time to Vote
California	Time to Vote, but with concerns
Colorado	Time to Vote, but with concerns
Connecticut	No Time to Vote
Delaware	Time to Vote
District of Columbia	No Time to Vote
Florida	Time to Vote
Georgia	No Time to Vote
Hawaii	Time to Vote, but with concerns
Idaho	Time to Vote
Illinois	Time to Vote
Indiana	Time to Vote
Iowa	Time to Vote
Kansas	Time to Vote
Kentucky	Time to Vote
Louisiana	Time to Vote
Maine	No Time to Vote
Maryland	Time to Vote
Massachusetts	No Time to Vote
Michigan	No Time to Vote
Minnesota	At Risk
Mississippi	Time to Vote
Missouri	No Time to Vote
Montana	Time to Vote
Nebraska	Time to Vote
Nevada	Time to Vote
New Hampshire	No Time to Vote
New Jersey	Time to Vote
New Mexico	Time to Vote
New York	No Time to Vote
North Carolina	Time to Vote
North Dakota	Time to Vote
Ohio	Time to Vote
Oklahoma	No Time to Vote
Oregon	Time to Vote
Pennsylvania	At Risk
Rhode Island	Time to Vote, but with concerns
South Carolina	Time to Vote
South Dakota	No Time to Vote
Tennessee	No Time to Vote
Texas	No Time to Vote
Utah	No Time to Vote
Vermont	At Risk
Virginia	Time to Vote
Washington	Time to Vote
West Virginia	Time to Vote
Wisconsin	Time to Vote
Wyoming	No Time to Vote

Source: Pew Center on the States 2008

LEGEND

No Time to Vote: States that send out their absentee ballots after the date necessary for military voters to meet all of the required deadlines.

At Risk: States where voters have only five days or less of extra time (one business week or less) to complete the process.

Time to Vote, but with concerns: States that afford time to vote, but at a price. Overseas military voters only have time to vote if they return their completed ballots by fax or e-mail—practices that raise concerns about voters' privacy and the security of the ballot.

Time to Vote: States that provide more than five days of extra time—that is, beyond the absolute minimum required for returning a ballot—in their voting process to allow for delays.

we did not have reliable estimates for domestic military mail delivery, and with an unknown number of uniformed personnel using the U.S. Postal Service (rather than military mail) to cast their absentee ballots, we faced significant obstacles in calculating regular mail delivery times.

For each of the 50 states and the District of Columbia, we calculated the amount of time it takes for overseas military voters and election officials to complete each step of the absentee voting process. Next, we determined if all the steps could be completed in time for that state's election deadlines. We then assessed whether the state's overseas military voters have enough time to vote (Exhibit 1).

Findings

- All told, 25 states and the District of Columbia need to improve their absentee voting process for overseas military voters.
  - Sixteen states and the District of Columbia do not provide enough time to vote for their military men and women stationed overseas. These states send out their absentee ballots after the date necessary for military voters to meet all of the required deadlines.
  - An additional three states are at risk of not allowing their overseas military residents enough time to vote, providing just five days or less of extra time to accommodate any delays in the process.
  - Thirty-one states provide enough time for their military residents stationed overseas to vote. But 19 of these allow voters to return their completed ballots by fax or e-mail—raising concerns about access to this technology and privacy and security of the votes. In 13 of the 19 states, the problem is easily eliminated: overseas military personnel still have time to vote even if they send back completed ballots by traditional mail. But that is not the case in the remaining six states. If they cast their ballots through regular mail, military voters from Rhode Island, for example, will not have time to vote—and those from the remaining five states are at risk of being disenfranchised because they are afforded fewer than five days of extra time to accommodate potential delays. In effect, military voters from these six states must risk the privacy and security of their ballots to ensure their votes will get counted.
- Given our conservative assumptions, all states would benefit from providing their overseas military voters additional time to request and return their ballots.
- For active-duty military serving overseas, the voting process takes an average of 29 days to complete in states that allow time to vote. For voters abroad hailing from "no time to vote" states, the process takes 66 days on average. The length of the process, however, can vary widely. For example, in Arizona and Kansas, the process can be as short as eight days, while it can take overseas military voters from Alabama 88 days from start to finish.
- Whether a state's absentee voting process allows enough time depends largely on how well the different steps in the process work together. So fixing one step may not be enough if other steps are not working well. In states where laws and practices have been cobbled together over decades, the problem is a failure to take into account how the system works as a whole.

Lessons Learned

Why do so many states give their military personnel insufficient time to vote? There is no one reason; states' absentee voting systems for these citizens are diverse and complex, so what might cause a problem for one state may work just fine for another. But our study identified three important lessons:

1. When a state's process relies entirely or partially on mail delivery, military voters need more time to complete all of the steps required and are less likely to have time to vote. *Simply sending blank ballots out via fax or e-mail can give military citizens abroad enough time to complete the process*.

2. The later a state's absentee ballot is mailed to military voters, the less likely they will have time to vote. *States should seek to distribute blank ballots to their overseas military voters as early as possible.*

3. The earlier the state's deadline for returning a completed ballot—especially if the state mailed its absentee ballots out late—the less likely a military voter will have time to vote. *States should provide more time for completed ballots from military voters overseas to reach local election offices.*

Potential Reforms

We analyzed whether four particular policy options would benefit the 25 states and the District of Columbia that need to improve their voting process for military absentee voters:

- expanding the use of the Federal Write-in Absentee Ballot, a back-up measure when military voters do not receive their state ballots in time;
- allowing election materials to be transmitted electronically;
- building at least 45 days into the process for ballots to travel between voters and election offices; and
- eliminating a requirement that military voters have their completed ballots notarized before returning them.

Of 10 legislative changes proposed by the U.S. Department of Defense's Federal Voting Assistance Program, these four are the most focused on streamlining and shortening the voting process for both voters and election officials.

Our analysis shows that all four policy options can help, although not every reform is right for every state. Two of the reforms are particularly noteworthy—but neither is a magic bullet.

First, every state would ensure its overseas military personnel time to vote by adopting a fully electronic process for transmitting all election materials between voters and election offices. As noted earlier, important questions have been raised about the privacy and security of returning completed ballots by fax or e-mail—but the odds of successfully voting improve for military citizens even if a state simply sends out blank ballots electronically rather than by traditional mail. In fact, we found that 13 "no time to vote" jurisdictions would ensure adequate time by adopting this reform.

Second, every state would ensure time to vote by expanding its use of the Federal Write-in Absentee Ballot—although this tool is only a back-up measure and has limitations.

No Time to Vote is supplemented by individual fact sheets for the 26 jurisdictions that need to improve their voting process for military absentee voters. The fact sheets are also available on our Web site at www.pewcenteronthestates.org.

These materials are products of the Pew Center on the States' Make Voting Work project, which partners with state and local election officials, the private sector and others to foster an election system that achieves the highest standards of accuracy, convenience, efficiency and security. To ensure our election system works optimally for military and civilian voters overseas, Make Voting Work publishes case studies and reports to highlight the challenges these voters face, and supports pilot programs and new technologies to test potential solutions. Make Voting Work also promotes efforts to establish consistent approaches for military and civilian voters abroad, including exploring the feasibility of a uniform state law that could potentially establish consistent timelines, requirements and standards for registration, absentee ballot distribution and ballot voting for military and overseas civilian voters covered under UOCAVA.

The Voting Process

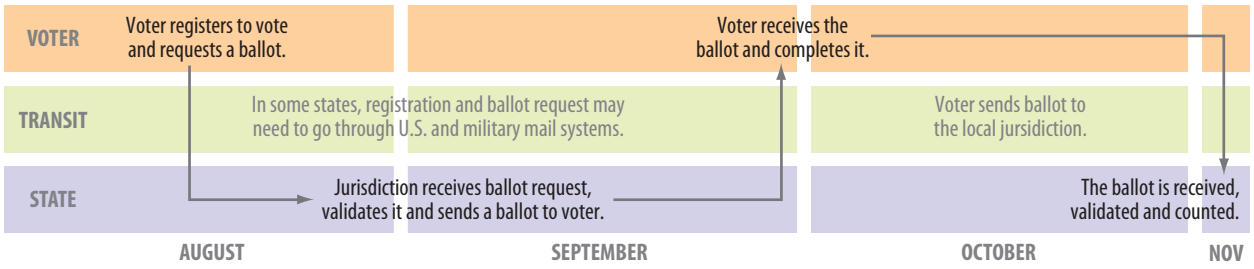
The federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), enacted in 1986, gives an estimated six million Americans—uniformed service members, their spouses and dependents, and overseas civilians—the right to vote in any race for federal office. This includes primary, runoff and special elections that occur throughout the year, as well as the presidential and general elections.[4] (In addition, 22 states[5] allow UOCAVA voters to cast absentee ballots in elections for state and local offices, and for state and local referendums.) But states' laws and practices determine how and when UOCAVA voters cast absentee ballots, and how likely their ballots are to be counted.[6]

There is tremendous variation in how the 50 states and the District of Columbia administer the election process for Americans covered under this federal law. Each has its own requirements, timing and modes of absentee voting. States' approaches vary so much, in fact, that a U.S. Department of Defense (DoD) manual for UOCAVA voters runs 460 pages long, with five to 10 pages of instructions describing each state's requirements and procedures. For instance, some states send ballots out and allow voters to return them via e-mail or fax, while others rely entirely on postal mail to transmit blank and receive completed ballots. Some states require military and overseas voters to register first, before they can receive a ballot, while others do not—and some give voters an opportunity to register and ask for a ballot simultaneously. Some states require voters to get their ballots notarized or witnessed before returning them. Many states require absentee ballots from UOCAVA voters to be returned by Election Day, while others count them even if they come in afterward.

Four Key Steps

The absentee voting process for voters covered under UOCAVA can be broken down into four main steps: a voter registers and requests a ballot; election officials validate the registration and send out a ballot; the voter receives and completes the ballot; and, finally, the voter

Exhibit 2
HOW THE PROCESS WORKS FOR VOTERS ABROAD



SOURCE: Pew Center on the States 2008

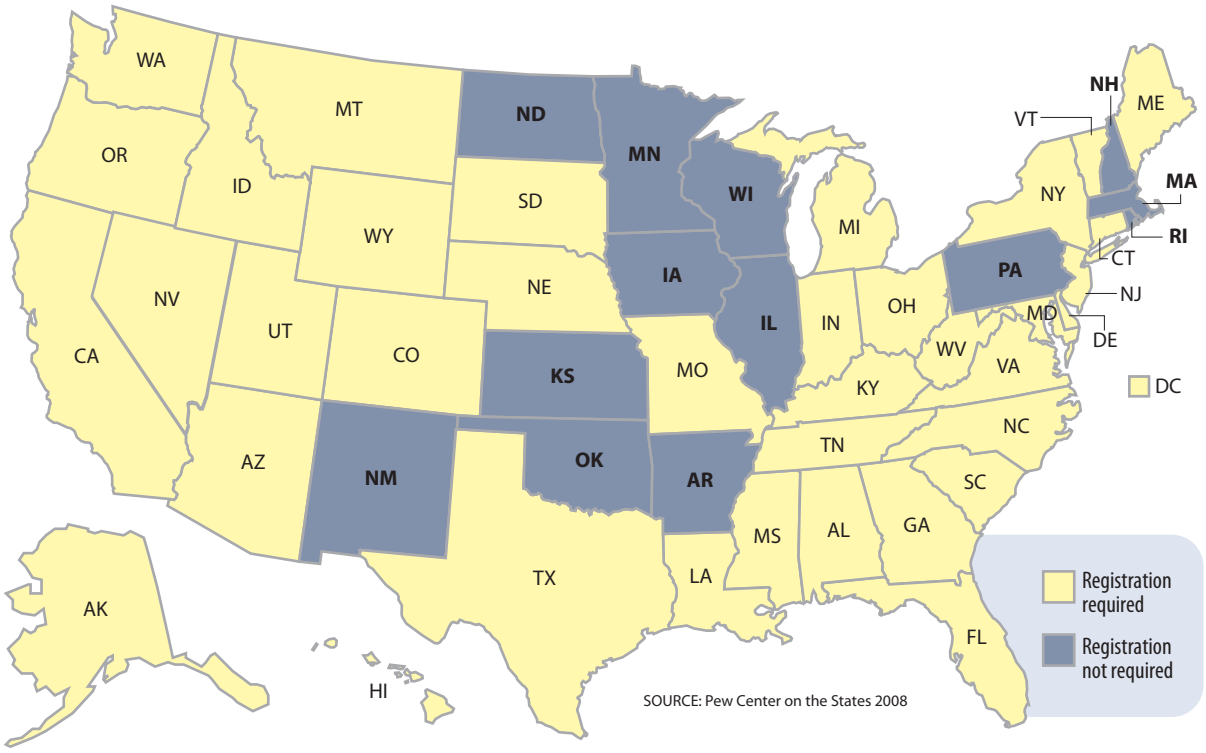
returns the ballot for election officials to count (Exhibit 2).

Step 1: Voter registers to vote and requests a ballot.

Most states' voter registration rules require that citizens who wish to vote must register to vote and maintain their registration while serving in the military or living overseas during an election. Thirteen states have waived the voter registration requirement (Exhibit 3). Voters from the other 37 states and the District of Columbia, however, first must complete and submit a registration form, then await approval by their home states' election offices before they can request an absentee ballot.

This two-step process can be averted if military personnel and civilians abroad use the Federal Post Card Application (FPCA), which allows voters to simultaneously register and request an absentee ballot with a single form. The FPCA is accepted by all states and territories and is postage-paid in the U.S. and military postal systems.[7] (Even when using the FPCA, military and civilian overseas voters must abide by their states' deadlines for voter registration and absentee ballot requests.)

Exhibit 3
13 STATES THAT WAIVE REGISTRATION



Step 2: Local election office receives the registration and ballot request, validates the registration and sends a blank ballot to the voter.

After receiving a military or overseas voter's request for an absentee ballot, the local election office processes and approves it (assuming there are no valid reasons for rejecting the request). The office then generates an official blank ballot for the voter and sends it out. There is enormous variation in when these ballots are sent to voters: states mail out ballots anywhere from 21 to 60 days before an election. And there also is enormous variation in how ballots are sent out. A total of 32 states allow their local election offices to use some form of electronic transmission for sending out blank ballots to UOCAVA voters. Fourteen allow transmission by fax only, while 18 allow transmission by either fax or e-mail. An additional six states allow voters to receive a blank ballot by fax under special circumstances; for example, if the voter is in a hostile country or war zone.[8] Including these special circumstances, a total of 37 states plus the District of Columbia allow blank ballots to be sent to UOCAVA voters by fax, 19 of which also allow blank ballots to be transmitted by e-mail.[9]

Step 3: Voter receives the ballot and completes it.

Eight states require that voters have the ballot notarized or signed by a witness before it can be returned (Exhibit 4). In these cases, notarization may be performed by a military voting assistance officer, U.S. commissioned officer, embassy or consular officer, or another official authorized to administer oaths.

Exhibit 4

8 STATES REQUIRE VOTERS TO GET THEIR BALLOTS NOTARIZED

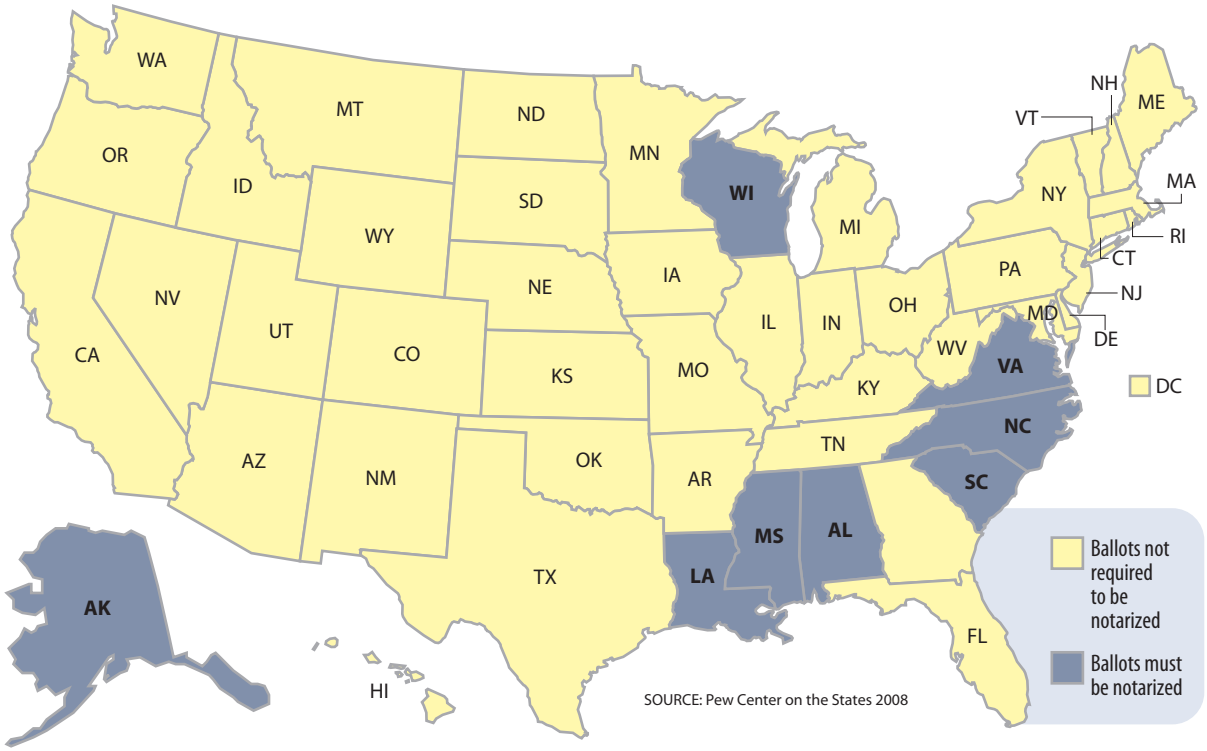
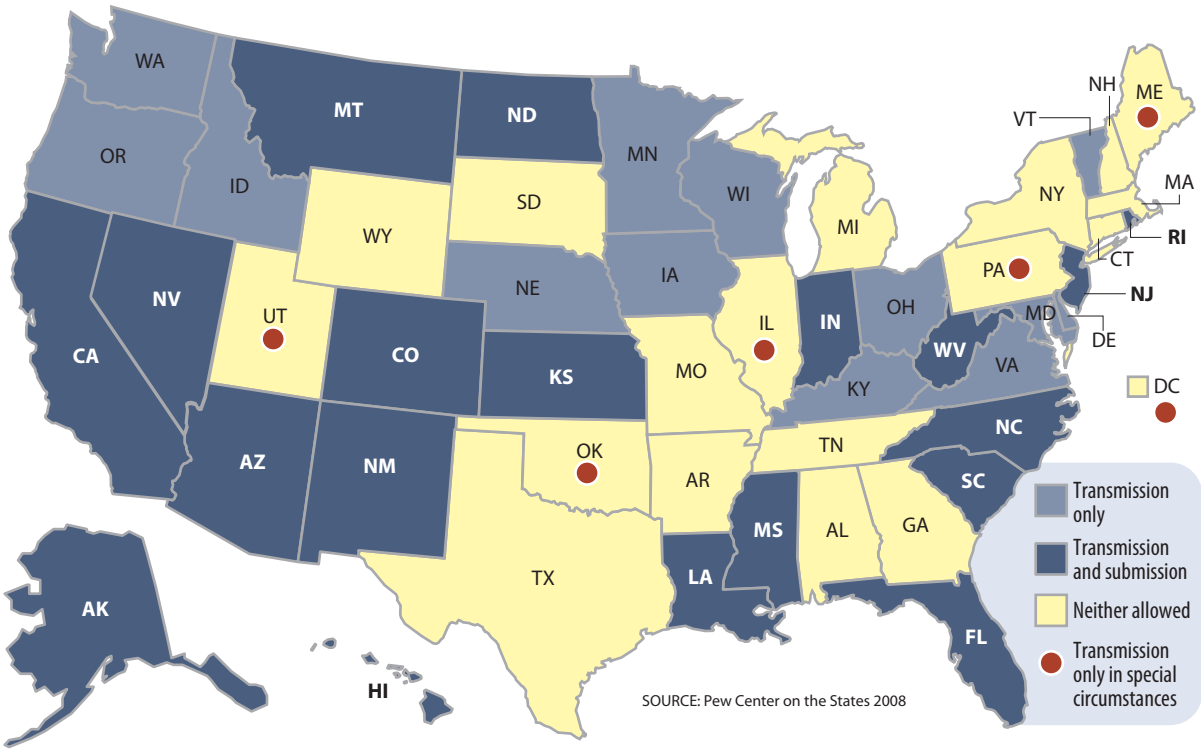


Exhibit 5

STATES THAT ALLOW ELECTRONIC TRANSMISSION AND SUBMISSION

Thirty-two states allow for the electronic transmission of a blank ballot to voters and 19 of these states also allow for the electronic submission of completed ballots.



What happens if a voter requests a blank ballot by the state's deadline, but never receives the ballot, or does not receive it with enough time to turn it around? The Federal Write-in Absentee Ballot (FWAB) is a back-up measure for military and overseas voters who do not receive their state ballots at least 30 days before the election or the state's deadline, whichever is later. In these cases, voters can download the FWAB, write in their preferences, and send them back to their local election office. (All states accept the FWAB.) This is an important "fail-safe" option that provides military and overseas civilian voters the ability to cast a ballot if some aspect of their states' voting process goes awry. However, as we explain in Chapter 4, the FWAB has limitations.

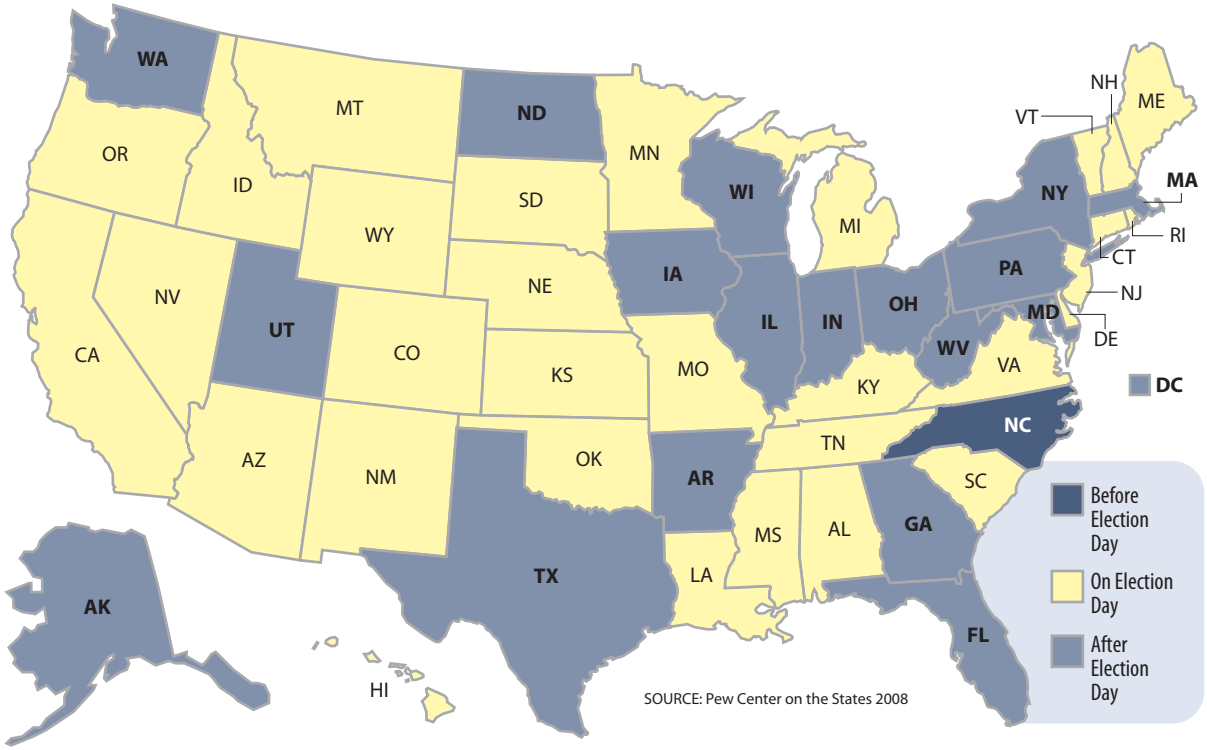
Step 4: Voter sends completed ballot to the local election office to be validated and counted.

The majority of states require completed absentee ballots from military bases or abroad to be transmitted by postal mail. To reach military units, mail is transferred from the United States Postal Service (USPS) to the Military Postal System Agency and then shipped through military logistics channels. This mail sometimes competes against military supplies for space, often causing delivery delays. Hostile and remote locations can further delay mail delivery.

When it comes to returning completed ballots, 19 states allow all of their military and overseas voters to do so by fax or e-mail. An additional

Exhibit 6
BALLOT DEADLINES | BEFORE/ON/AFTER ELECTION DAY

Nineteen jurisdictions allow for the ballot to be returned after Election Day.



seven states allow electronic transmission of completed ballots in certain circumstances (in emergencies or if voters are in a hostile country or war zone). (Exhibit 5.)

Only North Carolina requires the ballot to arrive at least one day before Election Day, while 31 states require that completed absentee ballots arrive on or before Election Day. The remaining 18 states and the District of Columbia allow absentee ballots to come in for a certain amount of time after Election Day to account for potential transit delays in international, military or U.S. postal services (Exhibit 6).

An Interdependent System

Each of the four voting steps involves a range of detailed actions by both voters and election officials. States' diverse requirements mean that one UOCAVA voter may have a very different experience from another, depending on their home states. The key point is that in any state's election system, any one step affects the other three. Whether overseas civilians or military personnel get to vote, and have their votes count, depends on the system's ability to work as a whole. Even one weak link could break the chain. So fixing problems in one step will not be enough if other steps are not working well.

Our Methodology

We sought to assess whether and to what degree states protect the franchise of military and overseas civilian voters across the globe by ensuring they have adequate time to vote. We wanted to examine the process for voters covered under UOCAVA: civilians living overseas and active-duty military (and their dependents). As described in more detail below, we lacked the reliable information necessary to complete assessments for either overseas civilian voters or military citizens stationed in the U.S. So this report focuses just on military voters based abroad.

In analyzing the process faced by these voters, the key variable is time. This report assesses how long it takes UOCAVA voters and election officials to complete the voting process, and how long it takes ballots and other election materials to travel via postal mail or electronic means, such as fax or e-mail.

To measure the time associated with each step in a state's voting process, the Pew Center on the States developed time estimates based on a survey of election officials, the USPS mail assistant tool (which estimates domestic mail transit times), mail estimates from the Military Postal Service Agency, and research examining mail and process times. We used this information to calculate the amount of time required to comply with states' absentee voter processes and laws—that is, the amount of time it takes for both voters and states to complete each and every step of the voting process. Next, we determined if all the steps could be completed by the election deadlines established by state law. Based on each state's requirements, we sought to assess whether overseas military voters from each state have enough time to vote. (See Appendix A for additional information about our methodology.)

Assumptions

As with most models based on human interaction, ours cannot perfectly simulate every circumstance. Voting processes are complex and cannot be replicated exactly—so we made assumptions and simplifications. When data from the 2008 election become available (to the extent they become available),[10] we may find that some overseas military citizens were, in fact, able to vote absentee in states that we identified as not providing time to vote. Across the states, many election officials work extremely hard to ensure that voters are able to participate and have their votes counted, even in the face of procedural hurdles and tight deadlines. And voters may use various tactics—such as sending in completed ballots via express mail or using the FWAB—to overcome obstacles in the process. Still, because our analysis largely assumed perfect action by perfect actors—voters, states and the mail systems—our findings actually are conservative. In other words, we likely underestimate the problems facing overseas military absentee voters.

Our analysis considers three principal variables: voters, states and the mail systems.

Voters

We assumed voters are like the perfectly rational actor of modern economic models. We assumed voters know, have access to[11] and use the quickest methods to complete all aspects of the absentee voting process in their control, such as registering to vote, requesting a ballot and completing and sending a ballot. In our model, voters know all the requirements it takes to complete the whole voting process, have access to e-mail and fax machines—when applicable—and fulfill these requirements as early and as quickly as possible. They fill out their ballots as soon as they receive them and send them as soon as they are able to. Finally, voters complete the process perfectly, making no errors at any stage along the way.

Since it is reasonable to assume a number of military voters deviate from these expectations, our analysis errs on the side of understating the impact of the challenges facing these voters.

States

Similarly, in modeling states, we assumed a lot of homogeneity in their processes. We assumed that within states, there are no jurisdictional differences among local election offices, and that statewide rules apply universally. We assumed that local election offices meet all deadlines and do not make any mistakes. In addition, we assumed the elections are federal elections and voters are not participating in state and local elections. (Adding state and local elections makes the process longer and more complicated and will be discussed later in terms of the Federal Write-in Absentee Ballot (FWAB).) Finally, we assumed that nationwide, all administrative voting process times are equal—that is, it takes election officials in all states an equal amount of time to complete the same steps in the voting process.

State election laws shape each stage of the absentee voting process for military citizens. To measure the number of days each state-mandated step takes, we surveyed election officials to impute time estimates, various assumptions and simplifications in our model. We examined state laws that dictate deadlines by which certain steps need to be completed. We also looked at whether states have adopted legislative proposals recommended by the DoD's Federal Voting Assistance Program (FVAP). We drew from an FVAP synopsis of state laws posted online, and verified the information with state election directors. We assumed that election officials and the FVAP guide properly and accurately described state election laws at the time of our analysis, and that these laws are implemented uniformly across each state. We checked this information up until November 4, 2008, to ensure our analysis took into account the states' laws in effect at the time of the most recent general election.

Mail Systems

To estimate delivery times for military and civilian mail—both crucial to the voting process—we took some of our assumptions from existing literature and, where necessary, made conservative estimates.

Military Voters

Domestic mail. To measure the postal mail delivery times for our analysis of military voters overseas, we used the USPS mail assistant, which is based on the Transit Time Measurement System administered by IBM Business Consulting Services. This system allows the user to obtain

approximate delivery times between domestic, military and international locations. We assumed there are no delays with mail delivery or other transmission methods. For military personnel stationed in the United States but voting absentee, we could not conduct an analysis in part because we assume a number of these voters use USPS (rather than military mail) to return their completed ballots, and there was no effective way to calculate domestic mail delivery times given the tremendous variation in where domestic military are based and where they are sending their completed ballots. (We also did not have reliable estimates for domestic military mail delivery for those voters using military mail to return their completed ballots.)

Military Mail. Among the Americans covered under UOCAVA are active-duty military citizens abroad, and these armed service members use the Military Postal Service Agency for mail delivery. We used mail assumptions that fall within DoD's standard guidelines of 12 to 18 days.[12]

For overseas military mail, we applied the model using two different assumptions for how long military mail takes. DoD cites 11 to 13 day transit times for one-way delivery even to remote operational sites in Iraq and Afghanistan (for example, the time for a state to send a blank ballot to an overseas office).[13] The U.S. Government Accountability Office (GAO) determined that the Military Postal Service Agency's methodology for computing that average mail delivery time is flawed and weighted to underestimate actual average transit times. The GAO concluded, "the 'weighted average' methodology…significantly understate[s] actual transit time."[14]

Under our first assumption, employed in most of our analysis, we use 18 days for military mail times one way based on the GAO study, which found that delivery times can—at times—exceed the military's 12 to 18 day standard.[15] Under our second assumption, we assume that it takes 15 days to transmit a ballot and 13 days to return it, which are averaged using the 12 to 18 day guidelines published by the DoD.[16] However, there were no substantial differences between the two time estimates in terms of the number of states that do not afford time to vote.

Mail delivery times are critical, especially for blank and completed ballots. On average, states do not send out blank absentee ballots until 35 to 40 days before the election. This leaves little to no room for delay or error, as standard military mail delivery times range from 24 to 36 days round-trip, according to the DoD guidelines and the GAO estimate.

Overseas Civilian Voters

International Mail. The challenges overseas civilian voters may encounter depend on a number of different factors—in particular, the times associated with the delivery and return of a ballot via international mail. While we had good information on many aspects of the absentee voting process, we lacked one key set of data: solid, reliable estimates for international mail transit time. This made it problematic to try to analyze the absentee voting experience of overseas civilians. Using USPS data, which says that mail from the United States to any international location takes six to 10 days, we had transit time data for one-way, "outbound" mail from the local election official to the overseas civilian voter. But we lacked similar information for mail transit times associated with the

"inbound" return of the ballot. International postal transit times for mail coming back to the United States vary by country and cannot be regarded as a single, uniform time to be applied consistently throughout our model. Unlike the Military Postal Service Agency, international mail cannot be studied and analyzed as one system.

Because of a lack of reliable data for international mail times and other information challenges, such as where the U.S. overseas civilian population is located, we could not calculate whether states provide enough time for citizens living abroad to complete the voting process. It is reasonable to suspect that overseas civilian voters face similar challenges as our military citizens serving abroad, but we lack sufficient information to conduct this particular analysis.

Calculations

Assessing State Voting Processes and Days Necessary to Vote

We made two principal calculations: (1) whether a state provides its military absentee voters abroad enough time to vote (Time to Vote), and (2) how long it takes such voters to complete the voting process according to the requirements of their states (Days Needed to Vote). A state's Time to Vote assessment primarily is determined by whether a state sends its absentee ballots out in enough time for its military voters abroad to complete and return ballots to the state election office by the deadline to have the votes counted. In our analysis, we always assumed that such voters used the fastest means available to them.[17] In some instances where pilot programs or special provisions are made for a small portion of the military or overseas population (e.g., those living in hostile countries or war zones), we did not apply those improvements to a state's Time to Vote assessment. If a state's laws did not apply uniformly to the whole military, it was noted but not included in our modeling of a state's election process. The calculation of Days Needed to Vote in each state is the amount of time it takes a voter from taking the first step—registering to vote or requesting a ballot—to having the ballot counted.

States have different deadlines for key stages of the process. We looked at three deadlines, varying across the states: (1) the date when the voter must have the ballot notarized; (2) the date by which a ballot must be postmarked to count; and (3) the date by which a state must receive the ballot to count. Many states do not have all three requirements and therefore all three possible start dates do not apply to all states.

The Total Days Needed to Vote category is calculated similarly to the Time to Vote status, first calculating when a voter must start the process to meet any and all legislated deadlines. Unlike Time to Vote estimates, Days Needed to Vote estimates are based on actions that must be completed by both the states and voters, depending on a state's rules. The actual start date for a voter is calculated first by identifying what a state requires its voter to do and by when (depending on the state and voters' registration status, voters start the process by either registering to vote or requesting a ballot).[18] We then calculate the number of days necessary to meet the state's requirements. The answer is subtracted from the deadline for that step to identify the necessary start date for voters, if the voter is to have a chance at successfully completing the entire voting process.

Findings

No one has a reliable estimate of the number of Americans living or working abroad. Even the U.S. Census Bureau has been stymied by the cost and difficulty in counting this population.[19] Given the challenge of even determining the number of U.S. citizens living and working overseas and given the fact that American voters are spread across the world, many state and local election officials have been remarkably successful in creating systems in which military and overseas civilian voters can participate fully in our electoral process. Still, our analysis shows that even with the best intentions, half the states and the District of Columbia make it challenging for our overseas military personnel to vote, and to have their votes counted.[20]

How Military Voters Fare

Roughly six million Americans—uniformed service members, their spouses and dependents, and overseas civilians—are ensured the right to vote under UOCAVA. Of this population, approximately 1.4 million are active-duty military personnel, and an estimated 24 percent of those were abroad on Election Day in 2006.[21]

A total of 17 jurisdictions—16 states and the District of Columbia—do not allow their military men and women stationed overseas time to vote, even factoring in grace periods for late ballots. Voters in these jurisdictions need an average of 12 days more to complete the process.

CATEGORIZING THE STATES

We classified states into four categories based on whether they provide enough time for their overseas military citizens to vote absentee:

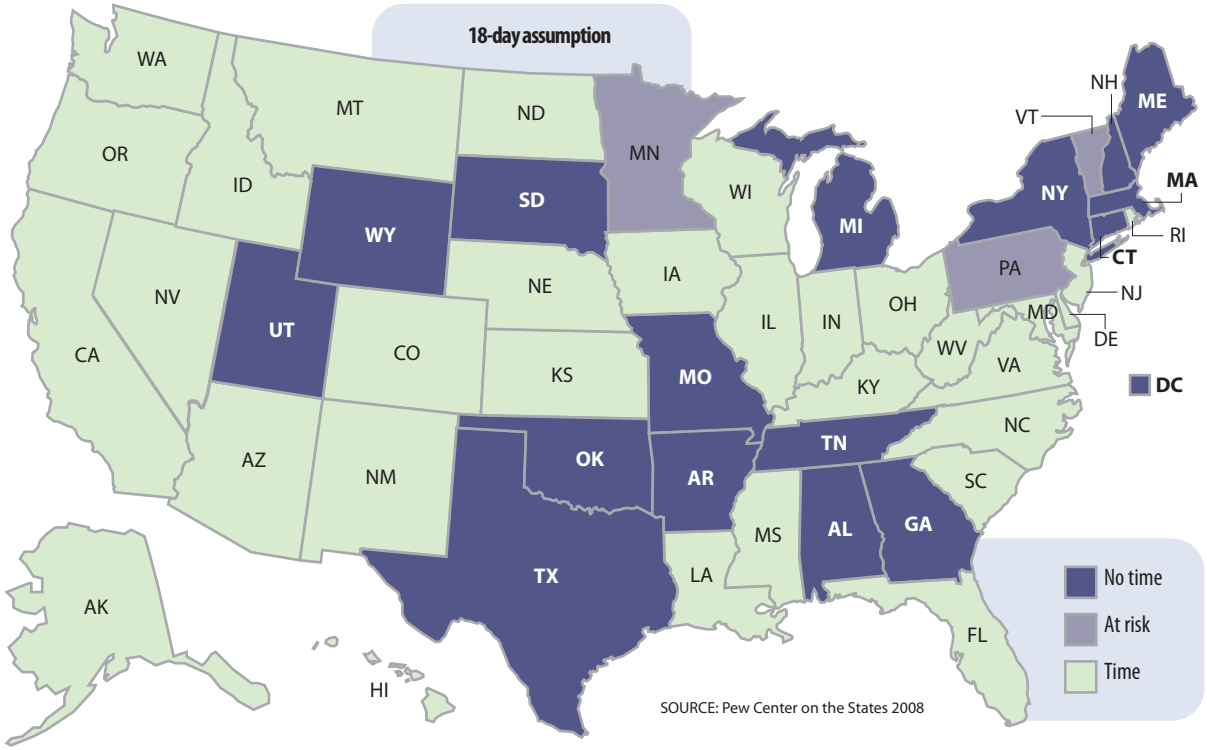
1) *No time to vote*. States allow "no time to vote" if they send out their absentee ballots after the date necessary for military voters to meet all of their required deadlines.
2) *At risk*. States where voters have only five days or less of extra time (one business week or less) in the process are considered "at risk" of not allowing their military citizens enough time to vote absentee. Such states are at risk because even minimal delays in the process—whether because of the voter, state or mail systems—will result in voters from these states being less likely to return their completed ballot to the states in time to be counted.
3) *Time to vote, but with concerns*. These are states where voters have time to vote but only if they submit their ballots via fax or e-mail. Transmitting completed ballots raises concerns about privacy and security. In these states, even if overseas military voters return submitted ballots via traditional mail, they will run out of time because of other factors in the states' process. The voters essentially must choose between potentially risking the privacy and security of their ballots and being unable to complete the process in time.
4) *Time to vote*. States with more than five days of extra time in the process—that is, beyond the absolute minimum required for returning a ballot—are classified as giving their military absentee voters enough time to vote.

Three states—Minnesota, Pennsylvania and Vermont—are "at risk" of not providing their overseas military voters enough time to vote because they provide fewer than five days of extra time to accommodate unexpected delays in the process.

Our initial analysis shows that the remaining 31 states allow enough voting time for their military residents stationed overseas—meaning that those voters have more than five business days of extra time in case of delays (Exhibit 7).[22]

However, in a majority of the 31 "time to vote" states, that assurance comes at a price. Nineteen of the 31 allow blank ballots to be transmitted and completed ballots to be returned by fax or e-mail (Exhibit 8). Allowing military voters overseas to return their ballots electronically helps ensure they have time to vote—but it also raises questions about the voters' privacy and the security of the ballots as well as access to the technology.[23] As the GAO noted in a 2007 report, while alternatives such as electronic and Internet voting "may expedite the absentee voting process, they are more vulnerable to privacy and security compromises than the conventional methods now in use. Electronic and Internet voting require safeguards to limit such vulnerabilities and prevent compromises to votes from intentional actions or inadvertent errors. However, available safeguards may not adequately reduce the risks of compromise."[24]

Exhibit 7
TIME TO VOTE STATUS | INITIAL ANALYSIS

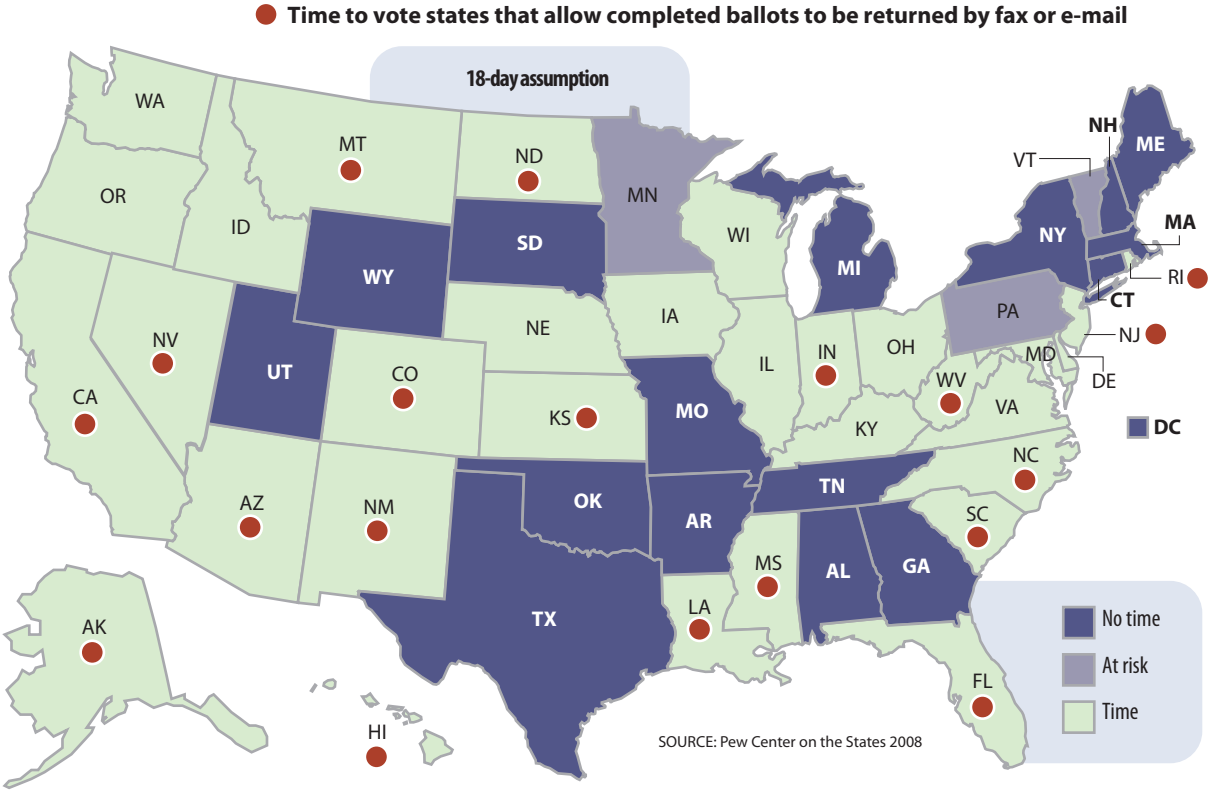


SOURCE: Pew Center on the States 2008

Exhibit 8

TIME TO VOTE STATUS | STATES WITH ELECTRONIC SUBMISSION

Nineteen states with sufficient time to vote allow for electronic submission of completed ballots, which raises concerns about privacy and security.



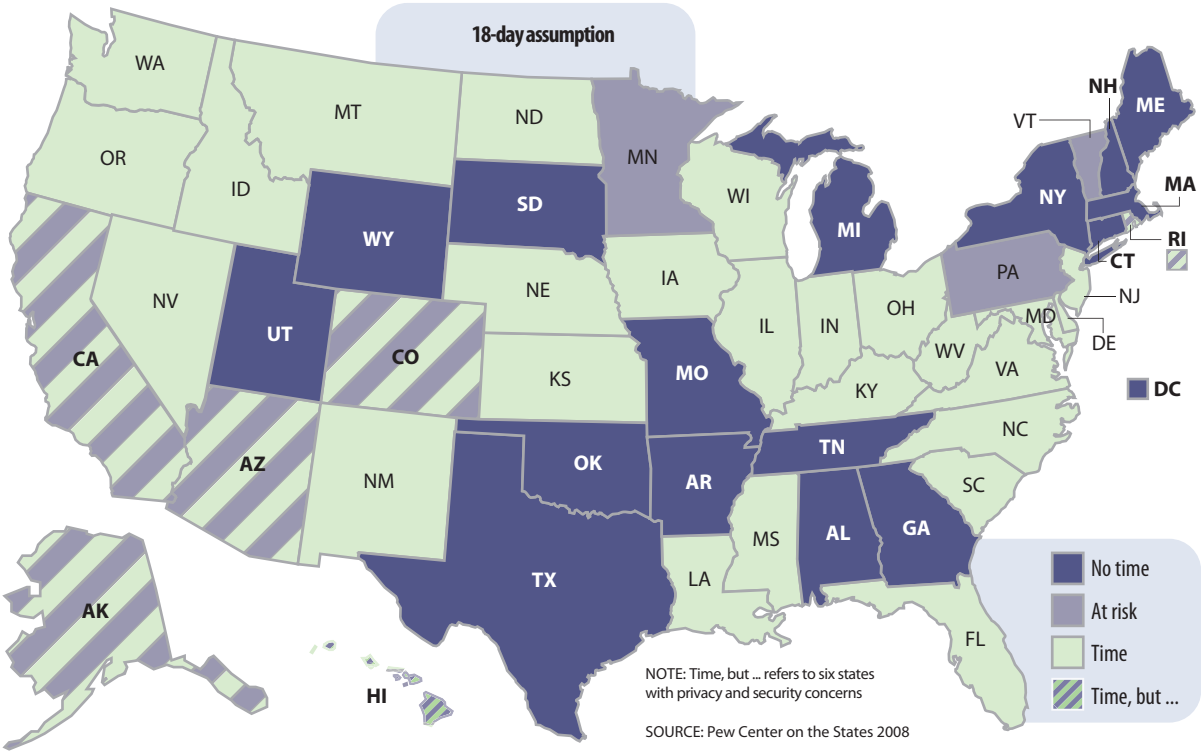
For example, in 11 of the 19 states, military voters returning their completed ballots electronically can only use fax machines.[25] This means the military voter's preferences can be exposed to others on at least two occasions—upon transmission and receipt. The remaining eight states allow military voters to return their ballots by either fax or e-mail. Unsecured e-mail can expose voters to identity theft, or their ballots could be tampered with. And states cannot be certain that the ballot they are receiving via e-mail is the ballot sent by the military voter.

Our analysis shows that overseas military voters in 13 of the 19 states can overcome privacy and security concerns by using regular postal mail to return their completed ballots—and still have time to vote. The same is not true for overseas military from the remaining six states. Without the option of returning their completed ballots electronically, military voters from Rhode Island do not have enough time to vote. And those from Alaska, Arizona, California, Colorado and Hawaii become "at risk" because they are afforded fewer than five days of extra time to accommodate potential delays in the mail (Exhibit 9).

Our findings for military voters overseas are relatively consistent even when we relax our assumptions about postal mail—moving closer to the DoD's estimates about military mail transit

Exhibit 9
TIME TO VOTE STATUS

Twenty-five states and the District of Columbia need to improve their absentee voting process for overseas military voters.



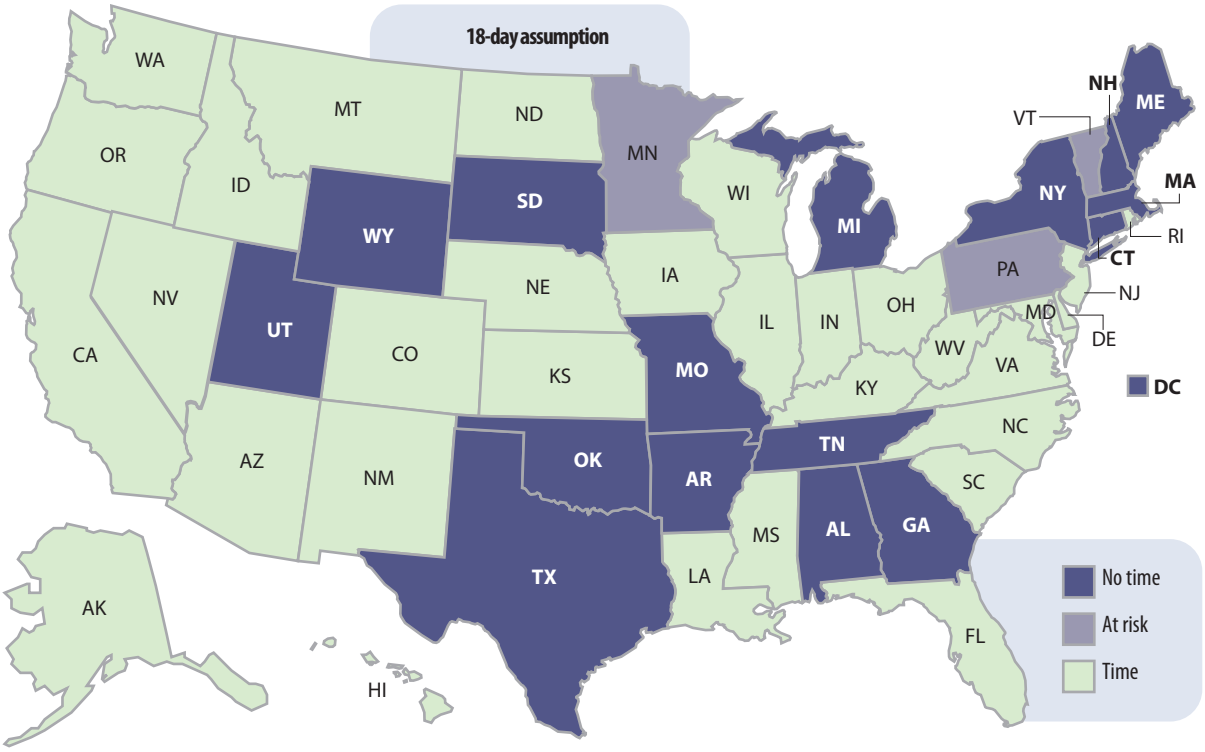
time (see Chapter 3, Our Methodology). Our current assumption stipulates that all mail delivered through the military postal system takes 18 days each way. In addition, we ran the data assuming a faster total transit time of 28 days round trip (15 days outgoing, 13 days incoming)—much closer to DoD's estimates of actual military mail transit time. With more generous mail transit assumptions, seven states originally classified as "no time to vote" move to the more favorable "at risk" category.[26] But none of the original 17 "no time to vote" jurisdictions moves to our top category of providing "time to vote." (Exhibit 10.)

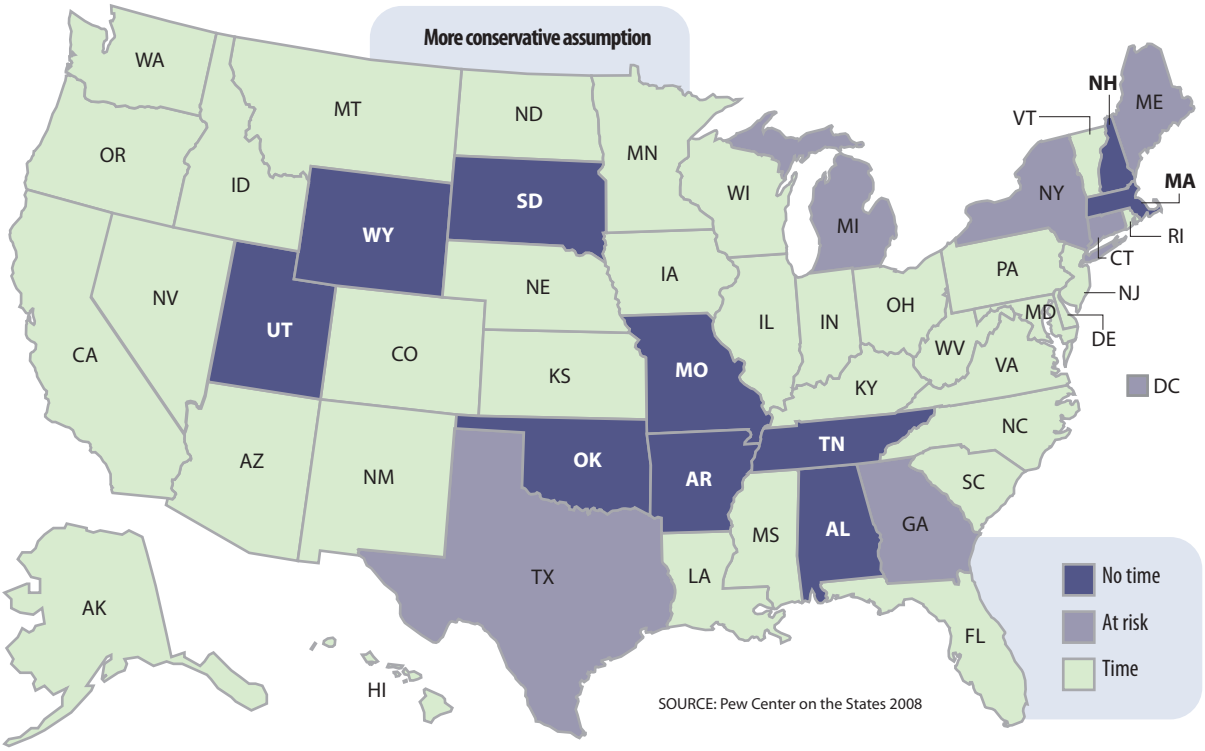
2008 election data are not yet available, so we do not know how military voters abroad actually fared in the latest election. We reasonably can assume that some overseas uniformed personnel from the states classified as "no time to vote" managed to complete the absentee ballot process and have their votes counted. But our analysis shows that if voters from these jurisdictions actually succeeded in voting, they managed to do so despite their states' policies and practices, not because of them. National studies help illustrate this point. The Pew Center on the States estimated that in the 2006 election, 86 percent[27] of absentee ballots requested by the general population were cast, indicating a strong desire to vote among those who made an effort

Exhibit 10

TIME TO VOTE STATUS FOR OVERSEAS MILITARY | TWO ASSUMPTIONS

Our results are relatively consistent—20 jurisdictions do not provide time to vote under 18-day military mail assumptions, while 17 states do not allow time to vote under more conservative assumptions.





SOURCE: Pew Center on the States 2008

to ask for a ballot. However, only approximately 27 percent[28] of absentee ballots for military voters were actually received and counted in that election. Undoubtedly some military voters requested absentee ballots and then simply did not complete or return them—but surveys indicate that this population historically has been frustrated by obstacles in the process. Among military personnel who said they did not vote in 2004, 30 percent said they were not able to vote because their ballots never arrived or arrived too late to their duty stations, according to the DoD's Federal Voting Assistance Program. Another 28 percent said they did not know how to get an absentee ballot, found the process too complicated or were unable to register.[29]

Lessons Learned

What are the main challenges hindering the absentee voting process for overseas military citizens in half the states and the District of Columbia? States' systems vary widely, but our analysis generated three important lessons:

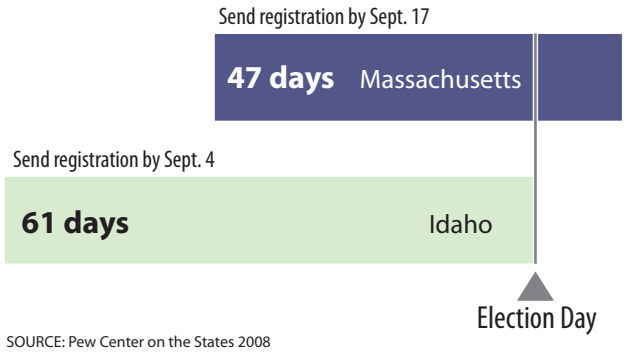
1. *When a state's process relies entirely or partially on mail delivery, military voters need more time to complete all of the steps required and are less likely to have time to vote. Simply sending blank ballots out via fax or e-mail can give military citizens abroad enough time to complete the process.*

   For military voters overseas hailing from the 17 "no time to vote" jurisdictions, the process takes an average of 66 days to complete.[30] Our analysis found that these 17 jurisdictions are more likely to use the traditional postal mail system for some or all of their process. Three of the "no time to vote" states—Alabama, New York and Wyoming—require everything to be done by mail. But the other 14 jurisdictions complete some part of the process electronically. These states have other challenges that, combined, lead them to fall short of allowing sufficient voting time for their overseas military personnel.

   However, a shorter process does not guarantee success if other parts of a state's election system get in the way. Compare Idaho and Massachusetts. As Exhibit 11 illustrates, Idaho's voting process for its overseas military voters takes 61 days compared with Massachusetts' 47 days. Idaho's process takes 14 days longer than Massachusetts' process, yet overseas military voters from Idaho have enough time to vote, while voters from Massachusetts do not. In this example, the length of Idaho's voting process is driven by such important dates as deadlines to register and request a ballot. But overseas military voters from Idaho

Exhibit 11
MASSACHUSETTS VS. IDAHO

Massachusetts provides UOCAVA voters an extra 10 days after Election Day to meet the state's deadline. However, voters need at least 21 additional days to have time to vote.



SOURCE: Pew Center on the States 2008

have an extra 15 days built into the election process because they can request and receive blank ballots by fax, which speeds up the process. Massachusetts, on the other hand, requires military voters to rely on the USPS and Military Postal Service Agency to deliver and return their ballots. Massachusetts accepts absentee ballots 10 days after Election Day to accommodate potential delays via postal mail, but that allowance still is not enough. The state would need to provide its military citizens abroad an extra 21 days somewhere in the process to ensure they had enough time to vote.

In the 31 states that allow time to vote, it takes an average of 29 days for overseas military citizens to complete the voting process—a number influenced by the extent to which a state's election system is conducted electronically. Nineteen states allow ballots to be sent to and returned from overseas voters via fax or e-mail (16 of these have a fully electronic process, including voter registration) and all of them afford their overseas military personnel time to vote. Using fax or e-mail to return ballots, it takes overseas military voters from these 19 states an average of 23 days to complete the voting process; using postal mail, it takes such voters an average of 36 days. However, as the GAO noted, using fax or e-mail to return completed ballots may compromise the integrity of these votes. As our analysis shows, to ensure they have time to vote, overseas military voters in six states must submit their completed ballots electronically, since they will run out of time using postal mail.

2. *The later a state's absentee ballot is mailed to military voters, the less likely they will have time to vote. States should seek to distribute blank ballots to their overseas military voters as early as possible.*

On average, the 17 "no time to vote" jurisdictions mail out their ballots three days later than do states that provide sufficient time for their overseas military personnel to complete the process. For example, if Texas mailed out its ballot three days earlier, it would give military residents abroad time to vote. States such as Illinois mail out their ballots as early as September 5, compared with Massachusetts, which does so as late as October 14. Similarly, on average, registration deadlines are three days later for states that afford military voters time to vote compared with states that do not give enough time. In Nevada and South Carolina, voters must register as early as October 4. In four states—Maine, Michigan, Virginia and Washington—voters can register as late as Election Day.[31]

The date a ballot is mailed out, however, is not the only factor that determines whether a state affords its military personnel enough time to vote. For instance, even though both Delaware and Connecticut mail out their absentee ballots on September 20, overseas military voters from Delaware have time to vote, according to our analysis, while voters from Connecticut do not. Other features of the voting process—such as how the ballot is delivered to voters—also influence the outcome.

3. *The earlier the state's deadline for returning a completed ballot—especially if the state mailed its absentee ballots out late—the less likely a military voter will have time to vote. States should provide more time for completed ballots from military voters overseas to reach local election offices.*

   Eighteen states and the District of Columbia allow absentee ballots to come in for a certain amount of time after Election Day to account for potential delays in mail service. The majority of these states (63 percent) afford their military voters time to vote, with an average of 23 days of extra[32] time in the process. Yet again, other parts of a state's system affect its overall performance. Of the 19 jurisdictions that allow the absentee ballot to come in after Election Day, Georgia, New York, Texas and four other states do not provide their military voters enough time to vote.[33] These states would need to extend their receipt deadlines anywhere from three days (Texas) to 21 days (Massachusetts) to provide sufficient time.

Potential Reforms

The DoD's Federal Voting Assistance Program (FVAP) is aimed at helping uniformed service members, their families and citizens living outside the United States participate in the electoral process.[34] As of October 2008, FVAP recommended 10 legislative changes to the states and U.S. territories to simplify and standardize the absentee voting process for these voters. (See Appendix B for a full list of changes.) Some of these proposals involve shortening the process by allowing electronic transmission of election materials or by making ballots available earlier. Others recommend removing burdensome rules, expanding the franchise to currently ineligible voters—such as U.S. citizens who have never lived in this country—and making the process more user-friendly through other means. A number of states already have some of these reforms in place.

We looked at the four FVAP recommendations most focused on streamlining and shortening the voting process for both voters and election officials:

1) Expanding use of the Federal Write-in Absentee Ballot (FWAB)
2) Allowing electronic transmission of election materials
3) Ensuring a 45-day minimum ballot transit time
4) Eliminating the notary requirement

We then assessed how much time the "no time to vote" and "at-risk" jurisdictions could save by adopting these proposals. We developed individual fact sheets for the 20 "no time to vote" and "at-risk" jurisdictions, and for the six "time to vote but with concerns" states whose overseas military personnel must return their completed ballots via fax or e-mail to ensure enough time to vote. These fact sheets, which can be found on our Web site (www.pewcenteronthestates.org), highlight how process times were calculated and how potential reforms could help states.

Our analysis shows that the potential benefit of each FVAP recommendation for these jurisdictions depends on each individual state's process. We found that:

- Every state would ensure time to vote in federal elections by promoting and expanding the use of the FWAB as a back-up measure.[35]
- Every state would ensure time to vote by adopting a fully electronic election process. As mentioned earlier, questions have been raised about the privacy and security of returning completed ballots via fax or e-mail, as well as about adequate access to fax and e-mail[36]—but many states would improve their process simply by sending blank ballots to military voters electronically. If "no time to vote" states used at least an outbound electronic transmission of a blank ballot to military voters abroad, 13 of them would afford time to vote.
- Two states "at risk" of disenfranchising their military citizens abroad would ensure time to vote by adopting a 45-day minimum ballot transit time. Similarly, by adopting this recommendation, all six states now classified as "time to vote but with concerns" could

ensure time to vote while allowing their overseas military personnel to return their completed ballots via postal mail.

- Solely eliminating the notary requirement would not change the status of the "no time" states or the status of the six states classified as "time to vote but with concerns." However, several states would streamline their process.

Expanding the Use of the Federal Write-in Absentee Ballot

As noted in Chapter 2, the FWAB is a downloadable form that allows UOCAVA voters who have requested but not received a state ballot to write in their choices for general elections for federal offices—president, vice president, U.S. senator and U.S. representative—and return this alternative ballot postmarked by their state's deadline. The FWAB requires an affirmation stating that the voter's application for a regular absentee ballot was mailed in time to be received by the local election official 30 days before the election or the state's deadline, whichever is later, and that the voter has not received the ballot.

This back-up tool protects an overseas voter's ability to participate in federal elections if the state's ballot does not arrive in time. All 17 "no time to vote" jurisdictions and three "at-risk" states would ensure sufficient time to complete the process by promoting and expanding the use of the FWAB for their voters. Use of the FWAB also is an effective back-up ballot for voters in the six states classified as "time to vote but with concerns."

All states accept the FWAB—and it provides an important safety net—but it is by no means a silver bullet. Military voters must know about this back-up option to use it—yet in 2006 fewer than one in three were aware of the FWAB, according to a DoD study.[37] Also, because the FWAB is a blank write-in ballot, voters must accurately write in the names of their candidates. In addition, the majority of states only allow uniformed voters abroad to use the FWAB for federal elections.[38] (Only 22 states allow the use of the FWAB for state and local elections.)

FVAP encourages states and the election field to raise all UOCAVA voters' awareness of the FWAB option. It also recommends that states expand the use of this tool to include federal, special, primary and run-off elections when citizens abroad cannot receive regular ballots in a timely manner.

In September 2008, Pew's Make Voting Work initiative took two major steps to improve FWAB's usefulness. First, we launched a public information campaign to raise awareness of the availability of the FWAB. Second, to eliminate the need for voters to write in the names of their candidates, we partnered with the Overseas Vote Foundation (OVF) to improve the online tool. When an eligible voter downloads the FWAB and indicates the U.S. state of residence, the technology automatically populates the form with all eligible candidates from that state. OVF licensed the software to Alabama, Kentucky, Minnesota, Ohio, Texas, Vermont and West Virginia for use in the 2008 election. In addition, voters were able to access the complete suite of OVF tools, including the FWAB, on the Web sites of both the McCain and Obama campaigns, Rock the Vote, the League of Women Voters and Exxon Mobil.

In sum, the FWAB is a "fail-safe" option that provides military and overseas voters the ability to cast a ballot if some aspect of the regular

process goes awry. However, the first choice is still the states' own absentee ballots, which offer voters the most comprehensive information on the candidates, and the opportunity to vote on state and local ballot initiatives and referenda.

Allowing Electronic Transmission of Election Materials

FVAP encourages all states to move to a fully electronic election process, using fax and e-mail for transmitting election materials between local election officials and absentee voters. Today, UOCAVA voters hailing from 16 states can complete the entire process electronically, from registering to vote and requesting a ballot to receiving and returning the ballot.

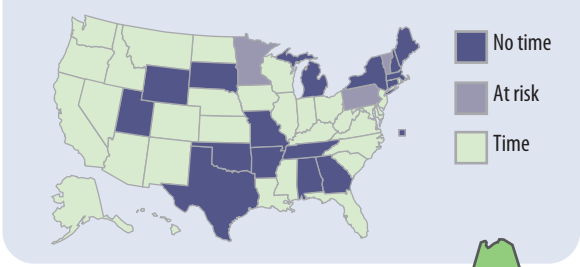
In addition, some states conduct part of the process electronically. As noted earlier, on the front end, 32 states allow their local election offices to send blank ballots to overseas voters by either fax or e-mail. An additional six states allow voters to receive a blank ballot by fax under special circumstances (for example, if they are in a hostile country or war zone).

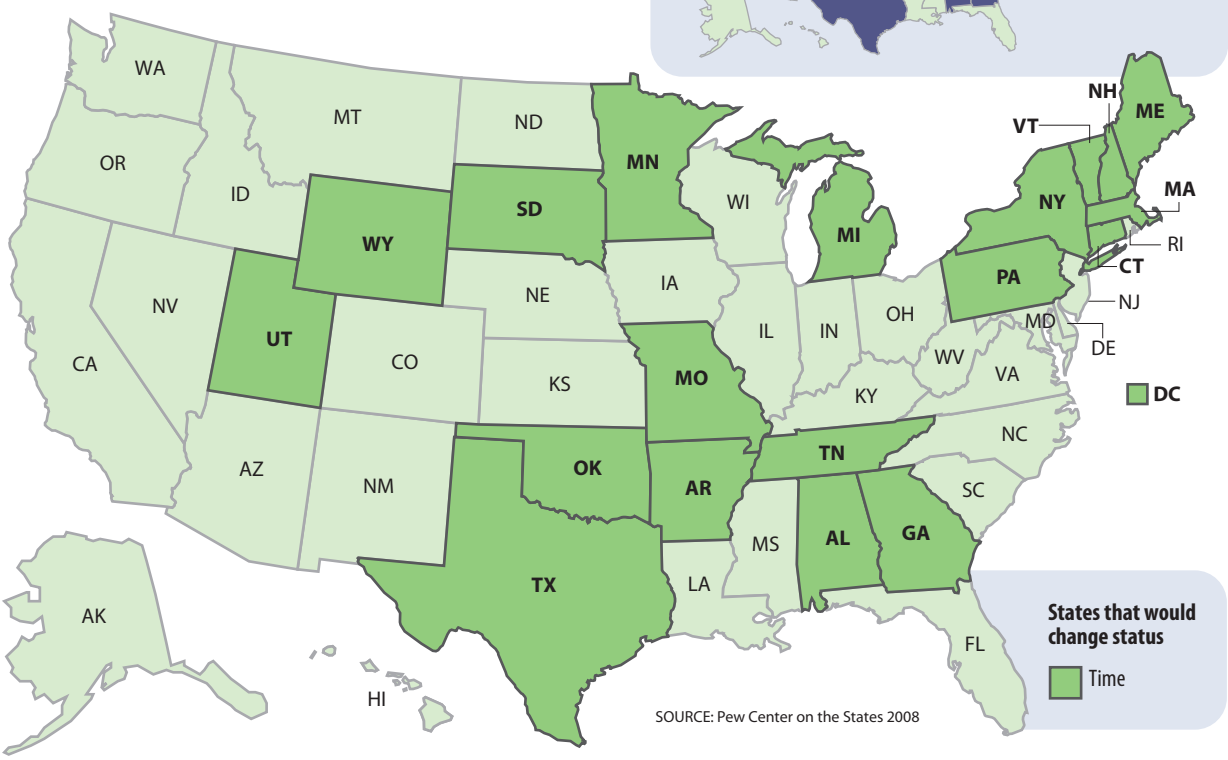
On the back end, 19 states allow all of their overseas voters to return their completed ballots

Exhibit 12

A FULLY ELECTRONIC VOTING PROCESS HELPS ALL STATES

Concerns have been raised about the privacy and security of electronically submitted ballots.





SOURCE: Pew Center on the States 2008

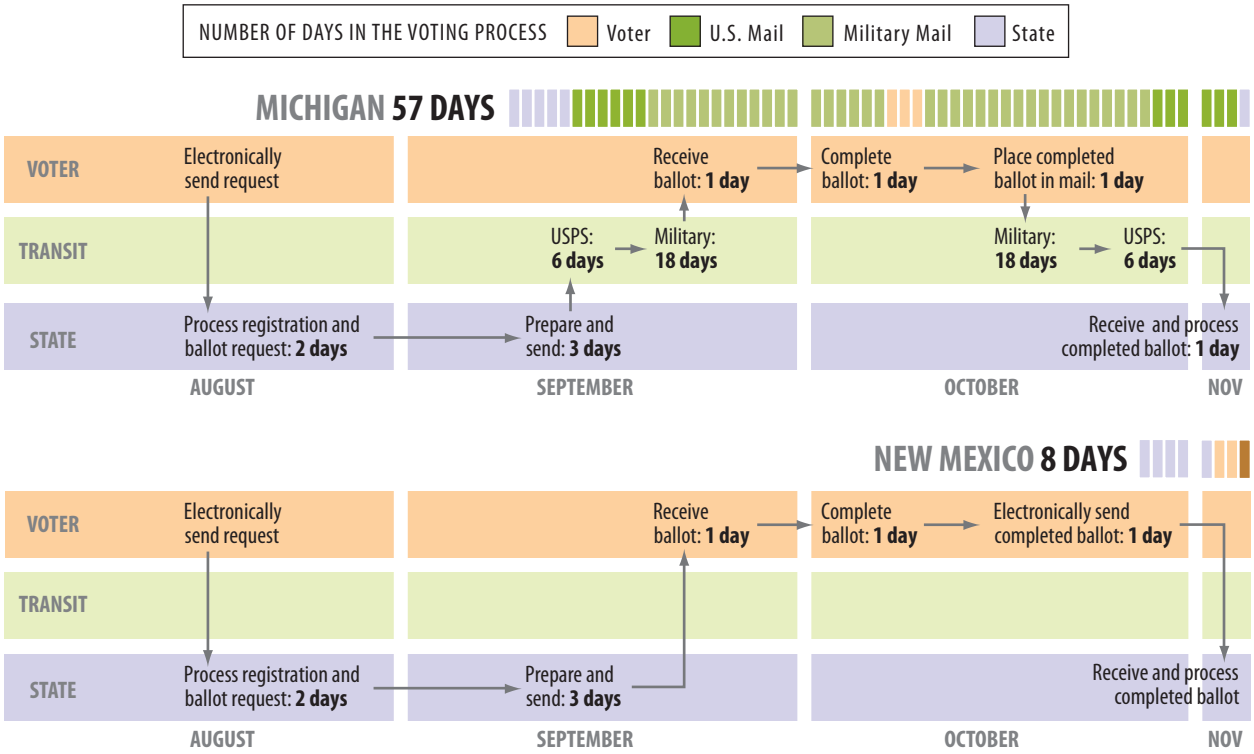
by fax or e-mail. An additional seven states allow electronic submission of the ballot under particular circumstances (in emergencies or if voters are in a hostile country or war zone).

When it comes to military voters stationed overseas, all 16 "no time to vote" states and the District of Columbia would provide those voters time to vote if they adopted a fully electronic process (Exhibit 12). In fact, they would save voters an average of 40 days.

Comparing New Mexico and Michigan illustrates the benefits of an electronic process (Exhibit 13). The two states' election systems are similar in a number of respects: neither requires overseas voters to get their completed ballots notarized before returning them, and both give their residents abroad at least 45 days to complete the voting process after sending them blank ballots. New Mexico disseminates its absentee ballots on September 16; Michigan does so four days later, on September 20. The difference is that New Mexico has a fully electronic process, allowing its overseas voters to use fax or e-mail to register to vote, request a ballot, receive a ballot and submit a completed ballot. Michigan allows its residents abroad to register and request an absentee ballot electronically, but requires all other steps—including sending out blank ballots to and receiving completed ballots from voters—to be done by regular mail. The result? Voters from New Mexico have more time to complete the process, with less hassle. They can electronically submit

Exhibit 13

DAYS IN THE VOTING PROCESS | MICHIGAN VS. NEW MEXICO



SOURCE: Pew Center on the States 2008

their registration and request for an absentee ballot as late as October 27 and get their completed ballots in by Election Day. Military voters from Michigan, meanwhile, must register to vote no later than September 7 to meet deadlines later in the process. This is because they must rely on both military and domestic postal services to both receive a blank and submit a completed ballot.

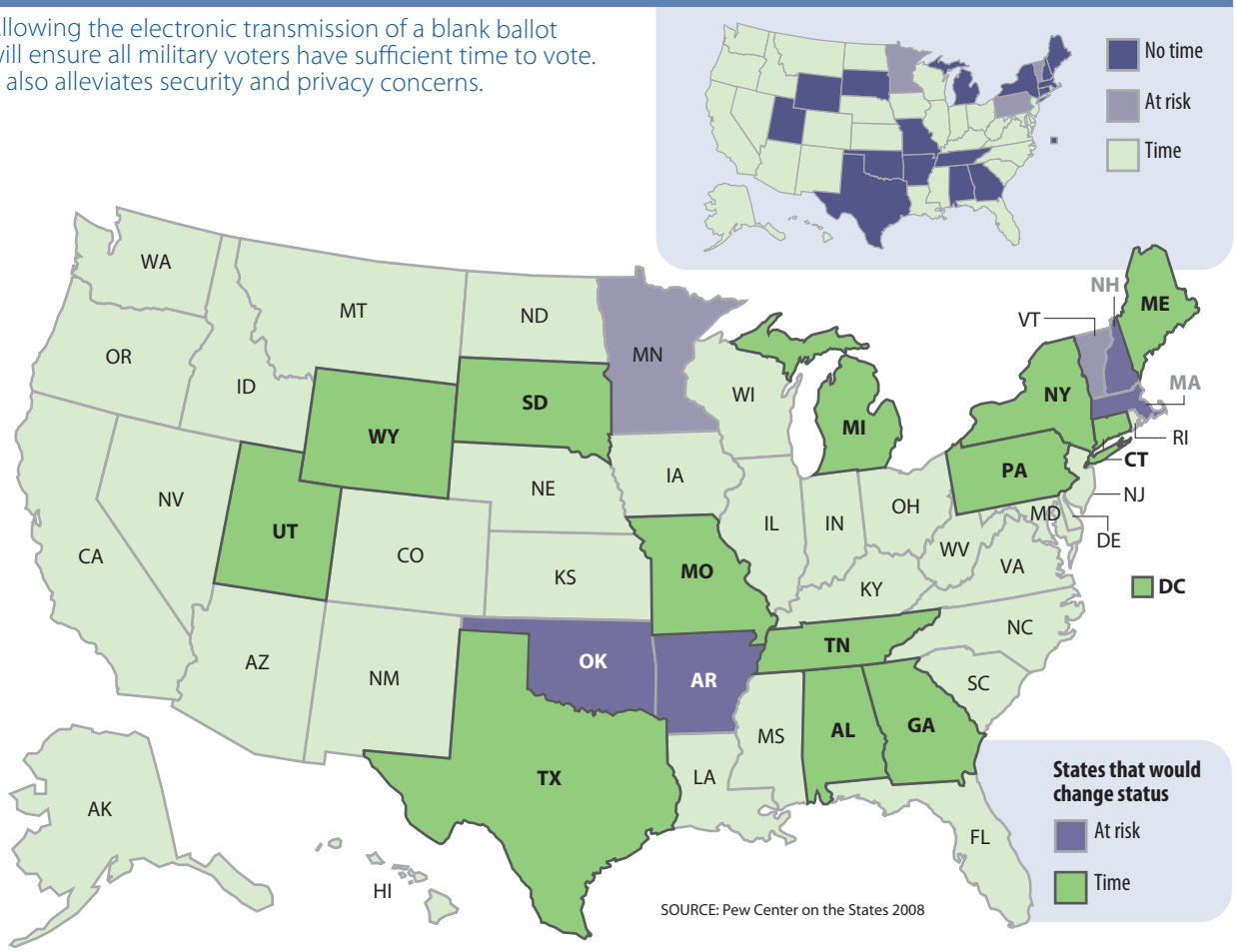
A number of states recently have enacted changes to their laws that allow for more electronic transmission of election materials. For example, in August 2008, New Jersey Governor Jon Corzine signed legislation that allows the state's military and civilian overseas voters to both receive and return their ballots by fax or e-mail.[39] In other states, such as Alabama, election officials are working with their legislatures to explore whether similar changes could be made to their process.

But as noted earlier, some policy makers, election officials, advocates and experts—including the federal General Accountability Office—have raised questions about the security and privacy of completed ballots transmitted electronically back to their states. Some states are now

Exhibit 14

HOW ELECTRONIC TRANSMISSION WOULD HELP STATES

Allowing the electronic transmission of a blank ballot will ensure all military voters have sufficient time to vote. It also alleviates security and privacy concerns.



SOURCE: Pew Center on the States 2008

experimenting with methods to mitigate these concerns or inform voters of the risks of voting electronically. In light of these concerns, we evaluated how "no time to vote" and "at-risk" states would fare if they only used an outbound electronic transmission of a blank ballot to military voters abroad and required that completed ballots be returned by traditional mail. Under this model, we found that 13 jurisdictions would afford time to vote (Exhibit 14).

In addition, an electronic voting process raises questions about practicality: while our model assumed that all voters used the fastest voting method available to them, in reality, not all military personnel overseas have access to fax or e-mail. According to a 2007 Defense Manpower Data Center study, between September and November in 2006, 25 percent of active-duty members reported having no access to a fax machine and 17 percent reported having no access to their personal e-mail.[40]

Ensuring a Minimum 45-Day Ballot Transit Time

FVAP recommends a minimum of 45 days for "ballot transit time"—that is, the amount of time between the date a state sends a blank ballot to a voter and the deadline by which the voter must return the completed ballot.

Twenty-eight states and the District of Columbia provide at least a 45-day ballot transit window; 22 states do not. Of those 22 states, nine are "no time to vote" states and two are "at risk" (providing fewer than five days of extra time in the process) for military voters overseas. We found that even if the nine "no time to vote" states gave their overseas military voters at least 45 days to receive a blank and mail back a completed ballot, it still would not ensure these voters had enough time because of other factors in the states' process.[41] The additional time would, however, give them valuable breathing room.[42] And this change would move the "at-risk" states of Minnesota and Vermont into the "time to vote" category (Exhibit 15).

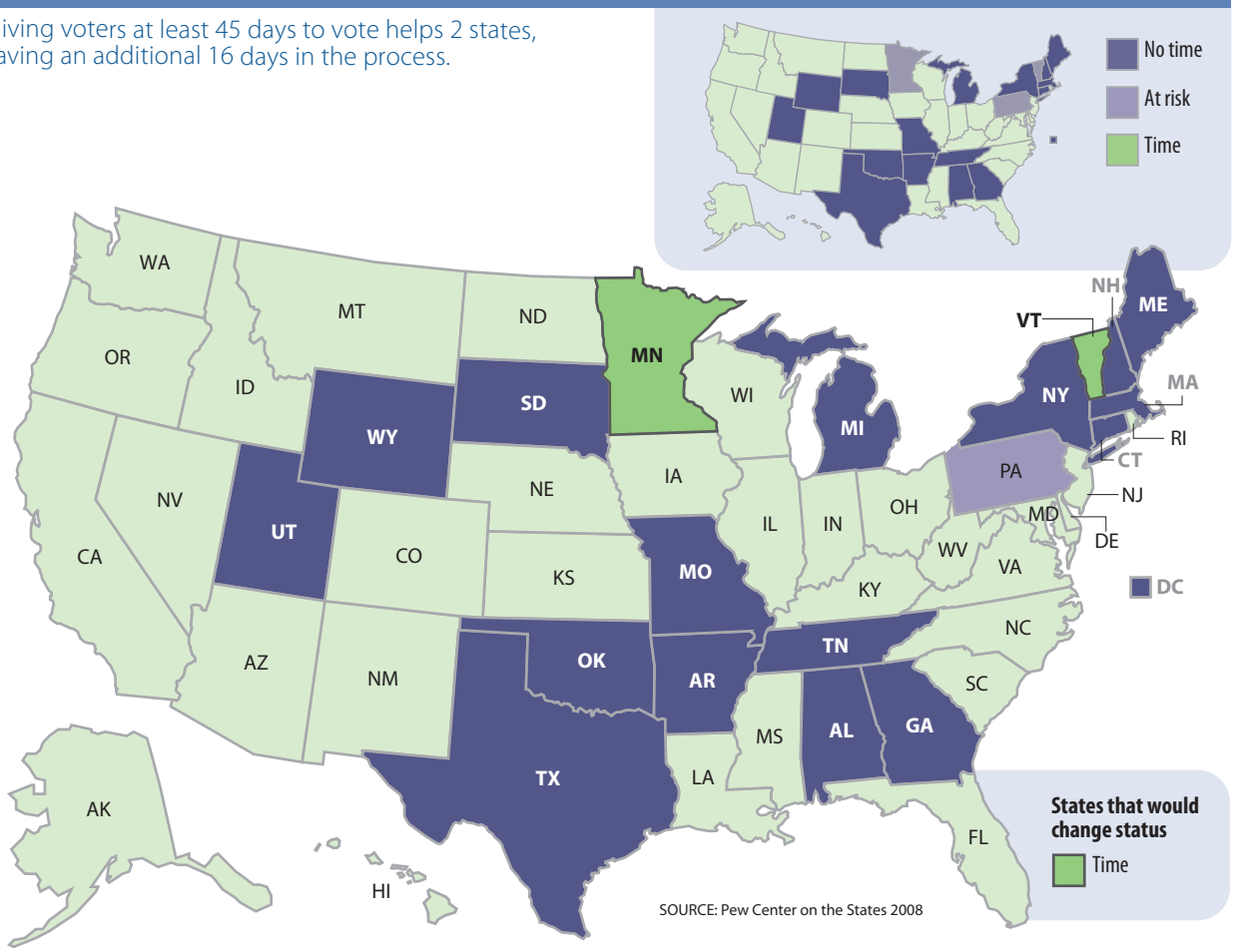
To illustrate the difference a minimum 45-day ballot transit time can make, compare Illinois and Massachusetts. Neither state has notary requirements, nor do they allow electronic transmission of either blank ballots to voters or completed ballots from voters.[43] Both states waive the registration requirement and accept their voters' ballots after Election Day. As a result, military voters from both states require nearly the same number of days to vote (45 days in Illinois and 47 days in Massachusetts). But there the similarities end.

To compensate for the time it takes for their election materials to travel through both military and civilian mail systems, Illinois and Massachusetts would either have to mail their ballots early or extend their existing deadlines for receiving completed ballots. Illinois does both—thus giving its voters "time to vote." Illinois sends out its ballots more than a month earlier than Massachusetts—and Illinois gives its military voters overseas four more days than does Massachusetts to have their ballots counted. Although adopting a minimum 45-day ballot transit time would not move Massachusetts into the "time to vote" category, it would help—and mailing out its ballots earlier or pushing its deadline for completed ballots could buy its voters the additional time they need.

Exhibit 15

GIVING VOTERS AT LEAST 45 DAYS TO VOTE HELPS 2 STATES

Giving voters at least 45 days to vote helps 2 states, saving an additional 16 days in the process.



SOURCE: Pew Center on the States 2008

Eliminating the Notary Requirement

Eight states require their UOCAVA voters to have their completed ballots notarized before returning them to their local election offices. The notarization itself typically does not take much time—but finding a notary approved by one's state can be difficult and time-consuming in some overseas locations.

FVAP recommends that the notary requirement be eliminated, with citizens allowed to "execute a self-administered oath on all voting materials."[44] Based on our analysis, adopting this provision would not change the status of any of the "no time to vote" or "at-risk" states that have a notary requirement for military personnel based abroad. Still, eliminating notarization would help streamline the process for military voters hailing from the eight states that require it (Exhibit 16).

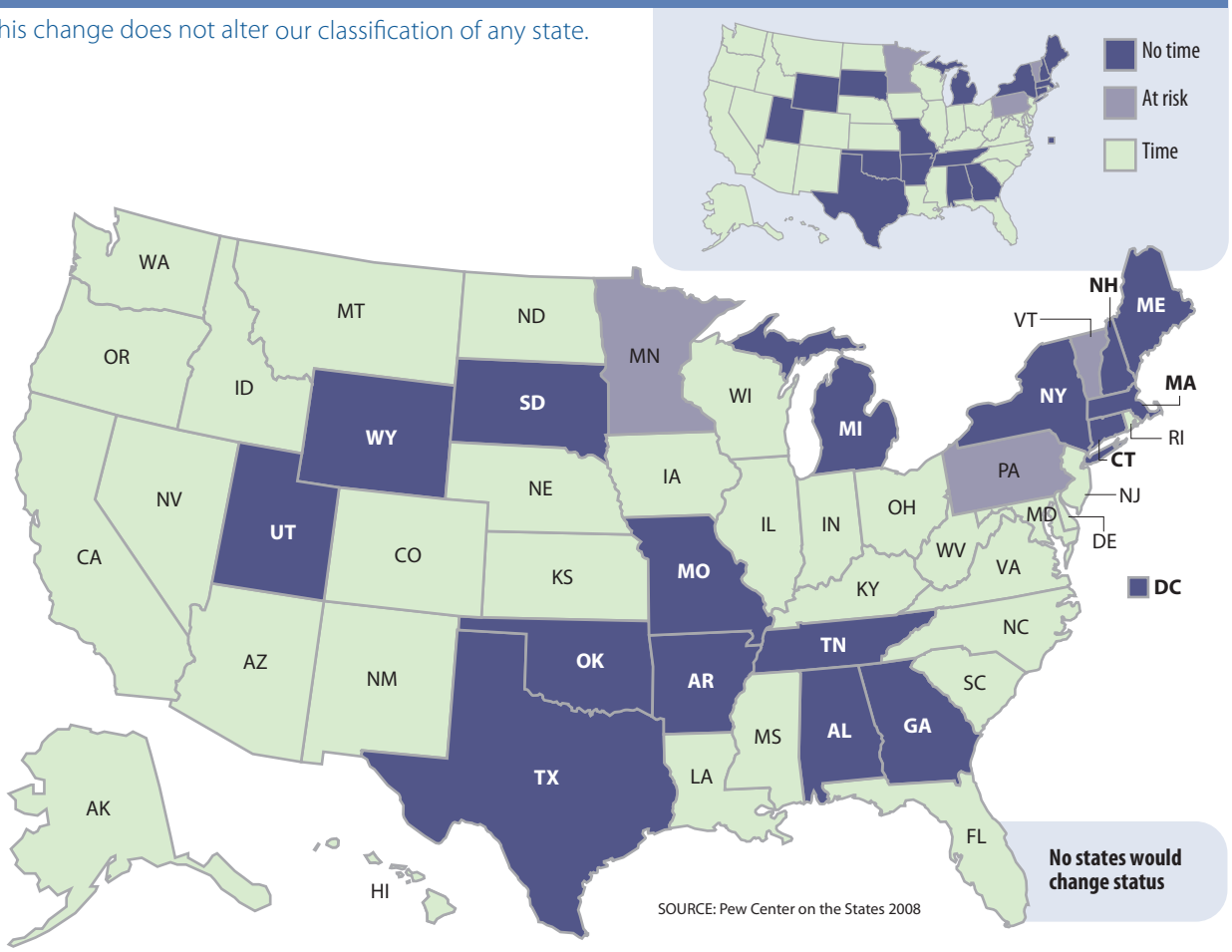
Enacting a Uniform Voting Law

While individual states have adopted a range of improvements, the lack of consistency across their absentee voting processes presents one of the greatest challenges to military and overseas citizens attempting to navigate the system. Earlier

Exhibit 16

ELIMINATING THE NOTARY REQUIREMENT WOULD SAVE 8 STATES TIME

This change does not alter our classification of any state.



SOURCE: Pew Center on the States 2008

this year, the Uniform Law Commission (ULC) approved a proposal from Pew's Make Voting Work initiative to study whether and how a uniform state law could be developed for military and overseas voters. A study committee established by the ULC will consider the feasibility of drafting and enacting legislation with consistent timelines, requirements and standards for registration, absentee ballot distribution and ballot voting for military and overseas voters covered under UOCAVA.

The ULC, formerly known as the National Conference of Commissioners of Uniform State Laws, is trusted by policy makers across the political spectrum and has a long track record of success. It developed the Uniform Commercial Code, which 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.[45]

Conclusion

Half the states and the District of Columbia need to improve their absentee voting systems for overseas military voters. These jurisdictions need to be aware of how deadlines and ballot transit times combine to create challenges for active-duty military voters stationed overseas, and that some technological fixes may compromise the security and privacy of their votes. And because of our conservative assumptions, even states that were categorized as "time to vote" states could better educate their military voters and ensure that those dispersed around the globe have the maximum time possible to cast and return ballots.

Public support for this issue is overwhelming. A bipartisan Tarrance/Lake poll found that 96 percent of Americans believe it is important that military and overseas voters have the opportunity to participate in U.S. elections and have their votes count—and nearly two-thirds of Americans think the system for these voters is not serving them well.

Fortunately, common-sense solutions are available to better serve overseas military voters. As this report illustrates, key interventions such as sending blank ballots out via fax and e-mail, distributing ballots to voters as early as possible, and providing more time for completed ballots from military citizens overseas to reach local election offices make the voting process much more accessible and effective for all voters. States looking for best practices also should turn to the Uniform Law Commission, which is drafting a uniform state law for military and overseas voters. And they should draw from the Overseas Vote Foundation, Federal Voting Assistance Program, Election Assistance Commission (EAC) and National Institute for Standards and Technology, which is working with the EAC to set electronic voting standards for military and overseas voters.

The Pew Center on the States' Make Voting Work initiative will continue to work alongside these organizations and state and local election officials to ensure that we offer all Americans—including those serving in our armed services and living overseas—the modern election system they deserve.

Methodology

Modeling Methodology

The centerpiece of our analysis is a model of the military absentee voting process, from the time a military voter initiates the process until the time a vote is received at a local jurisdiction. The model incorporates states' legislative and administrative deadlines, information on mail transit times, the estimated time it takes election officials to complete key steps, and the estimated time it takes voters to complete certain steps (such as filling out or notarizing a ballot).

We used our model to estimate, for each of the 50 states and the District of Columbia, the last possible day a military absentee voter could submit a ballot and have it counted and the latest date that a voter could start the electoral process. We then compared the last possible date the voter could submit a ballot to the earliest date a jurisdiction will mail out absentee ballots to arrive at a measure of "time to vote." In essence, "time to vote" represents the amount of time a voter has beyond the absolute minimum required for returning the ballot. This extra time is defined as more than five business days, and provides necessary cushion for delays caused by mail delivery and other unknowns, including military missions that prevent someone in uniform from returning to base frequently.

We also measured convenience, indicating the latest possible time an absentee voter could submit an FCPA registration/ballot request. This date varies widely across jurisdictions, with some states requiring absentee voter registration/ballot requests weeks before candidates for significant offices, such as the vice presidency, are known.

Data We Collected

To determine how much time each jurisdiction's military absentee voting process takes, we used multiple data sources to collect information in two areas:

1. **State process and deadlines**. To estimate time associated with various steps in states' voting process and determine important election deadlines, we used two main sources of data collection.

   Federal Voting Assistance Program guide. We used the online Federal Voting Assistance Program (FVAP) guide to identify each state's requirements for when states and voters must complete each step of the process and what they must do, and to identify which states have enacted FVAP's proposed legislation. When the FVAP guide was unclear, researchers consulted states' election Web sites to verify process steps and deadlines. Researchers also confirmed information obtained from FVAP's guide and states' election Web sites directly with state election officials. We continued to monitor and verify this data up until November 4, 2008, to ensure our analysis took into account what states' laws were in effect at the time of the most recent election.

   Survey of election officials. We surveyed election officials twice during our research period. First, to estimate process times, we surveyed election officials in one county in each of the 50 states and the District of Columbia (titles of those surveyed include County Clerk, Town Clerk, Registrar of Voters, etc.) to collect data

on the amount of time election officials estimate it takes them to transmit and process election materials. We decided to use a mixed-mode approach of a Web-based survey and a paper questionnaire, and gave election officials the option of using either mode. This allowed for greater coverage of the targeted survey population and a higher response rate. The final questionnaire contained questions related to the following categories:

- Transmission of Election Materials, which focused on processing and validation times for registration, ballot requests, blank ballots, and completed ballots when received via postal mail as well as electronic means, if applicable.
- Absentee Ballots, which focused on FWABs, witness or notary requirements, and signature and date in lieu of a postmark as evidence of time of completion of the ballot.

On August 18, a Federal Express packet was sent to all election officials selected to participate in the survey. This packet contained the following: (1) a letter describing the purpose of the survey and encouraging participation; (2) a three-page paper questionnaire; and (3) a pre-paid return Federal Express envelope. Each paper questionnaire was pre-coded with an identification number so that we were able to track respondents. This coding was necessary because if identifying fields (e.g., e-mail address) were left blank on a written survey we would be unable to link responses to data from other sources. Election officials also were given a username and password to complete the Web-based survey. We guaranteed respondents that their responses would be kept confidential and would be published only in the aggregate. In addition, an e-mail was sent to each election official similar to the letter described above, describing the purpose of the survey and encouraging participation. On August 26, all non-respondents received an e-mail reminder or a telephone call to complete the online or paper survey.

As completed surveys were received via the Web, we used the reporting tools in WebSurveyor to flag obvious errors, such as missing data. Similar validation was performed manually for completed paper surveys prior to key-entry. Finally, we formatted the data, as needed, to ensure consistency between data from the Web and mail surveys. We received 27 responses to our survey (a 53 percent response rate).

Survey data was imported into the database tool and used to conduct more rigorous data validation and analysis, including range checks, format checks and contingency checks (to validate skip patterns).

Next, to validate the information we collected from FVAP's guide, we once again surveyed election officials. Through the National Association of State Election Directors, we contacted state election directors in all 50 states and the District of Columbia. Between October 2 and 16, state election directors were asked to confirm or change the information on state election processes and deadlines collected through FVAP. Twenty-eight states responded to our survey (a 55 percent response rate).

2. **Mail transit times**. Part of the voting process is the transmission of election materials between voters and their jurisdictions. Depending on the state, election materials may be sent via postal mail, fax or e-mail. We made the assumption that it takes approximately one day to send election materials electronically. With postal mail delivery, we needed to determine transit times of the domestic, international and military mail.

   We based mail transit time assumptions on three different sources of information. First, to calculate domestic mail delivery times, we used a USPS tool, an independent, external system administered by IBM Business Consulting Services. Second, to calculate military mail transit times, we used estimates from the Military Postal Service Agency. Finally, for international mail estimates, we looked at the best available data from the USPS and private couriers.

USPS Mail

The USPS provides a tool, the Shipping Assistant, based on IBM's Transit Time Measurement System, which allows the user to obtain approximate delivery times between domestic, military and international locations. We used the delivery time estimates from this tool for domestic locations, using a specific address within each jurisdiction, where applicable. Two locations of origin were chosen from each state: (1) the address associated with an election official from the state capitol (e.g., the City Clerk or Registrar of Voters) and (2) the address associated with the election official from each jurisdiction that was invited to participate in our survey of election officials. (In some instances, these two locations were the same. Where the locations differed, mail delivery times did not vary significantly, if at all.) Individual delivery times were calculated for those locations in each state going to one of two military mail transshipment points for international mail delivery—one in San Francisco and another at JFK Airport. These two locations were chosen based on GAO reports stating that they received most of the mail and packages being delivered to military personnel and their dependents. For Western, Southwestern and a few Midwestern states, we assumed their mail went to the San Francisco military mail location, based on proximity to San Francisco. For all other states we assumed their mail was sent to the JFK Airport military mail location.[46]

Military Mail

All active-duty armed service members use the Military Postal Service Agency to transport mail to and from the individual. According to the agency, military mail takes less than 12 days to be transported to military personnel stationed overseas. However, recent GAO studies cast doubt on that estimate. The studies suspect the true transit time takes between 12 and 18 days one way, sometimes longer, depending on location and size of the package. Recent media reports also state one-way delivery times of between 12 and 18 days.

Our research used two scenarios when calculating military mail times. Based on the GAO studies, we first assumed 18 days each way for mail delivery both to and from military installments overseas. Then we split the difference between the 12 to 18 day range provided by the Military Postal Service Agency and used 15 days as our estimated transit time for military mail going outbound from the United States, and 13 days for such mail to be returned

from overseas locations (according to both the agency and the GAO, return mail takes two days less time).

International Mail

USPS estimates that one-way, international mail delivery may take anywhere between six to 10 days. DHL and Fed Ex estimate roughly six days one way to most countries and as many as nine days to South American countries (from the point of entry into international mail to delivery).

However, we lacked similar quality data on international delivery estimates for mail returning to the United States. Because international mail service is not one system, analysis of the transit times associated with returning mail is difficult to obtain.

Model Assumptions

To determine how military voters and states navigate the voting process, we made straightforward assumptions about all actors, erring on the side of assuming each can complete their required steps as quickly as possible. We also assumed that voters use the fastest voting method available to them.[47] Similar assumptions were made about the U.S. and military postal mail systems, on which much of the absentee voting process depends. On average, these assumptions, while necessary for the model, likely underestimate the time it takes each voter and the jurisdiction to act. In reality, the process tends to be longer for voters, thus making our findings conservative.

We also assumed that election officials and the FVAP guide properly and accurately described state election law at the time of our analysis, and that these laws are implemented uniformly across each state.

Study Caveats

This report involves an analysis of the military voting process only for federal elections. We do not address issues of state elections or state balloting, which are even more varied than federal election processes.

We looked at several recommendations by FVAP to change states' voting process for absentee military and overseas voters, and applied these proposals to our "no time to vote" and "at-risk" states to see what difference they might make. In doing so, we assumed none of those states already had implemented the FVAP recommendations or other, very similar legislative changes.

Regarding the survey of election officials, the median time reported for key steps in the voting process was used as a guide for calibrating our model. There could be variation around these times due to several factors, including the time in the election cycle, the staffing in a particular jurisdiction, or action of other participants in the process, such as the state or political parties, etc. However, as our objective was not to try to measure the exact time taken on these steps but to characterize the potential benefits of changes to the process, we believe this variation does not significantly impact the overall assessment of the prospective impact of the changes.

Our measures of both "time to vote" and "days needed to vote" should be taken as a relative guide to the level of risk within a jurisdiction, not as absolute measures of performance. In addition

to the various local process differences we discuss above, there is significant variation in postal mail delivery times, both because of local conditions in a foreign country and its geographic proximity to the United States. While we believe our measures provide a good indication of the risk of not having votes counted, there will be cases in which the process did work, even if a registration was submitted after the "time to start," or if insufficient "time to vote" was allowed. As an example, a military voter using express mail is more likely to make the voting process work because of faster mail times, while another uniformed citizen relying on the military mail system might have a more difficult time making the process work if they miss key dates.

Finally, because of a lack of reliable data for international mail times and other information challenges, such as where the U.S. overseas civilian population is located, we could not calculate whether states provide enough time for citizens living abroad to complete the voting process. It is reasonable to suspect that overseas civilian voters face similar challenges as our military citizens serving abroad, but we lack sufficient information to conduct this analysis. To do a detailed analysis of the absentee voting process for overseas civilians, better data are needed. While it may be difficult to analyze international mail times, a good first step would be recording when ballots were postmarked from overseas and noting when these ballots were received at domestic election offices. At a minimum, this data would enable researchers to calculate average international mail times for each state, and apply them to our model. This would likely understate the challenges that some overseas civilian face when voting by absentee ballot, but it would give states a better understanding of how different steps in the voting process must work together as a whole to ensure their overseas residents have time to vote.

FVAP Recommended State Legislative Initiatives*

Each year the Federal Voting Assistance Program (FVAP) sends legislative initiatives to all the states and territories for consideration. The legislative initiatives the FVAP requests states and territories to consider are as follows:

45-Day Ballot Transit Time

FVAP recommends a minimum of 45 days between the date the ballot is mailed to the voter and the voted ballot return deadline. This is especially beneficial for citizens voting from overseas and APO/FPO addresses.

Elimination of the Notary Requirement

Obtaining notarization of voting materials can be difficult and quite expensive in some foreign countries. This provision allows citizens to execute a self-administered oath on all voting materials.

Late Registration Procedures

A state's registration requirements, and the date of an individual's discharge from the Uniformed Services, or the date a citizen returns from overseas employment may create a barrier to timely voter registration. FVAP encourages the states to allow citizens to register past the regular deadline.

Special State Write-In Absentee Ballot

This legislation allows citizens stationed in remote locations who are unable to receive regular absentee ballots sent in the normal time frame, to use a Special State Write-In Absentee Ballot which provides a full slate of offices.

Reference to the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* in the State Election Code

This will help election officials find guidance to applicable Federal law and increase their familiarity with the statute and its application.

Electronic Transmission of Election Materials

FVAP encourages all states to use fax and e-mail for the transmission of balloting materials between local election officials and voters. Fifty-one states and territories use some electronic transmission of election materials.

Expanded Use of the Federal Write-In Absentee Ballot (FWAB)

Currently the FWAB is generally allowed for Federal offices only. This legislation proposes expanding its use to include special, primary and run-off elections when citizens cannot receive regular ballots in a timely manner. In addition, the FWAB can be accepted simultaneously for registration and absentee ballot request.

Emergency Authority for Chief Election Official

Granting emergency authority to the chief election official in the state would allow him or her to designate alternate methods for handling absentee ballots in times of a declared emergency.

*Source: Legislative initiatives reprinted from FVAP's Web site: http://www.fvap.gov/reference/laws/state-initiatives/index.html.

Enfranchise Citizens Who Have Never Resided in the U.S.

Approximately 50,000 U.S. citizens who have never resided in the U.S. are not entitled to vote under current law. While they are subject to all other requirements of citizenship, they are not eligible to vote. This legislation would allow these citizens to vote where either parent is eligible to vote under *UOCAVA*.

Accept Ballot Date and Signature in Lieu of Postmark

Although *UOCAVA* voters may have voted and mailed their ballot in a timely manner, the ballot envelope may not have been postmarked on that date. By signing and dating the ballot the voter, under penalty of perjury, is certifying that their ballot was voted prior to the close of polls on Election Day.

Exhibit B-1. State Initiatives for UOCAVA Voters

State	Allow Electronic Submission of Registration	Allow Electronic Submission of Ballot Request	Allow Electronic Transmission of Blank Ballot	No Notary/ Witness Requirement	Allow Electronic Submission of Completed Ballot	Provide Minimum 45-day Transit Time
Alabama						
Alaska	●	●	●		●	
Arizona	●	●	●	●	●	
Arkansas	●	●		●		
California	●	●	●	●	●	
Colorado	●	●	●	●	●	
Connecticut	●	●		●		●
Delaware	●	●	●	●		●
District of Columbia	●	●		●		●
Florida	●	●	●	●	●	●
Georgia		●		●		●
Hawaii	●	●	●	●	●	
Idaho		●	●	●		●
Illinois	●	●		●		●
Indiana	●	●	●	●	●	
Iowa	●	●	●	●		●
Kansas	●	●	●	●	●	●
Kentucky	●	●	●	●		●
Louisiana	●	●	●		●	●
Maine	●	●		●		●
Maryland		●	●	●		●
Massachusetts	●	●		●		
Michigan	●	●		●		●
Minnesota	●	●	●	●		
Mississippi	●	●	●		●	●
Missouri		●		●		
Montana	●	●	●	●	●	●
Nebraska	●	●	●	●		●
Nevada		●	●	●	●	
New Hampshire	●	●		●		
New Jersey		●	●	●	●	
New Mexico	●	●	●	●	●	●
New York				●		●
North Carolina	●	●	●		●	●
North Dakota	●	●	●	●	●	
Ohio		●	●	●		●
Oklahoma	●	●		●		
Oregon	●	●	●	●		●
Pennsylvania	●	●		●		●
Rhode Island	●	●	●	●	●	
South Carolina	●	●	●		●	●
South Dakota	●	●		●		
Tennessee		●		●		●
Texas	●	●		●		●
Utah		●		●		
Vermont	●	●	●	●		
Virginia	●	●	●			●
Washington	●	●	●	●		●
West Virginia		●	●	●	●	●
Wisconsin	●	●	●			
Wyoming				●		

Source: Pew Center on the States 2008
Key: ● = implemented

Exhibit C-1. The Number of Extra Days Provided by a State's Election Process

State	Extra Time, # of Days
New Mexico	46
North Carolina	43
Kansas	42
Montana	42
Louisiana	39
Mississippi	39
South Carolina	39
West Virginia	39
Nevada	37
New Jersey	37
North Dakota	36
Indiana	35
Hawaii**	32
Arizona**	30
Colorado**	27
Florida	27
California**	26
Washington	23
Kentucky	22
Illinois	20
Rhode Island**	18
Delaware	17
Iowa	17
Ohio	17
Oregon	17
Alaska**	16
Nebraska	16
Idaho	15
Virginia	14
Maryland	12
Wisconsin	9
Vermont	2
Minnesota	1
Pennsylvania	1
Texas	-3
Georgia	-6
Connecticut	-7
District of Columbia	-7
Maine	-7
Michigan	-7
New York	-7
Tennessee	-9
Missouri	-12
Utah	-12
South Dakota	-14
Wyoming	-14
Alabama	-17
Arkansas	-21
Massachusetts	-21
New Hampshire	-22
Oklahoma	-26

Source: Pew Center on the States 2008
*Note: Number of extra days built into each state's election system beyond the absolute minimum required for returning a ballot.
**Note: These states allow time to vote but with concerns about the privacy and security of the completed ballot.

Exhibit C-2. The Number of Days Needed to Complete State Election Processes

State	Days Before Election Day
Alabama	88
Missouri	85
Tennessee	85
Wyoming	85
Georgia	82
Utah	74
New York	69
Oklahoma	61
South Dakota	61
Idaho	61
Connecticut	57
Maine	57
Michigan	57
New Hampshire	57
Texas	53
Nevada	53
Ohio	53
Arkansas	51
Pennsylvania	49
District of Columbia	47
Massachusetts	47
Maryland	47
Illinois	45
West Virginia	45
Virginia	36
Minnesota	34
Nebraska	34
Delaware	33
Kentucky	33
Oregon	33
Vermont	33
South Carolina	31
Alaska	30
Iowa	30
New Jersey	30
Colorado	29
Florida	29
Hawaii	29
Indiana	29
Louisiana	29
Montana	29
Wisconsin	26
California	15
Mississippi	14
North Carolina	12
Washington	12
North Dakota	9
Arizona	8
Kansas	8
New Mexico	8
Rhode Island	8

Source: Pew Center on the States 2008

Endnotes

1 "At least 992,034 UOCAVA-related absentee ballots were requested for the 2006 general election . . . States report[ed] slightly more than 330,000 UOCAVA ballots were cast or counted." U.S. Election Assistance Commission (EAC), *UOCAVA Survey Report Findings* (Washington, D.C., September 2007), p. 1.

2 Polli Brunelli, *The Federal Voting Assistance Program, 17th Report* (Washington, D.C.: Department of Defense, Federal Voting Assistance Program, October 2005), chart 10, p. 12.

3 UOCAVA extends to eligible family members of active duty military. In our analysis of overseas military personnel, family members who are over 18 years of age and U.S. citizens are also included. These individuals rely on the same systems (i.e., mail, state-provided ballots) as active-duty military personnel and are treated similarly under UOCAVA.

4 *See*, http://www.fvap.gov/resources/media/uocavalaw.pdf.

5 These 22 states are: Illinois, Indiana, Iowa, Louisiana, Maine, Maryland, Massachussets, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington and West Virginia, according to the Federal Voting Access Guide (http://www.fvap.gov), accessed on November 12, 2008.

6 GAO-06-521 "Elections: Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, but Challenges Remain." April 7, 2006.

7 Hard copies of the form can be obtained from military installations' voting assistance officers, requested directly from the U.S. DoD's Federal Voting Assistance Program Office, or downloaded and printed from the office's Web site.

8 In the state of Illinois, only military and overseas voters from the City of Chicago and suburban Cook County can receive a blank ballot by fax or e-mail.

9 This includes the 18 previously mentioned states and Illinois, which allows e-mail transmission of blank ballots under special circumstances.

10 As shown in the 50-state assessment of Pew's Data for Democracy compendium, states provided responses to less than half of the items in the UOCAVA portion of the EAC's Election Administration and Election Day Survey. This average disguises significant cross-state variation; Delaware, Georgia, Florida, Idaho, Montana, North Dakota and Wyoming answered more than 90 percent of the survey items, while Alabama, Connecticut, Massachusetts, New Hampshire, New York, Pennsylvania, South Carolina, Tennessee and Vermont responded to less than a quarter of the survey. As the EAC noted in its own report on UOCAVA, "(r)esponse rates from many States and local jurisdictions were low, making the monitoring of compliance with the mandated requirements of UOCAVA difficult." U.S. Election Assistance Commission, *UOCAVA Survey Report Findings* (Washington, D.C.), September 2007, p. 1.

11 While our model assumed that all voters used the fastest voting method available to them, in reality, not all military personnel overseas have access to fax or e-mail. According to a 2006 Defense Manpower Data Center study, between the period of September 18 to November 6 overall, 25 percent of active-duty members reported having no access to a fax machine, 6 percent reported having access between 1 and 14 days, 22 percent reported having access between 15 and 49 days, and 47 percent reported having access every day, and overall, 17 percent of active-duty members reported having no access to their personal e-mail, 6 percent reported having access between 1 and 14 days, 25 percent reported having access between 15 and 49 days, and 53 percent reported having access every day. *See,* Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010,* pp. 14 and 20.

12 Army Field Manual 12-6 states, "the 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, at http://www.globalsecurity.org/military/library/policy/army/fm/12-6/Ch6.htm#top, accessed February 29, 2008.

13 *See*, 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.

14 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.

15 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), pp. 9-14.

16 Army Field Manual 12-6 states, "the 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, at http://www.globalsecurity.org/military/library/policy/army/fm/12-6/Ch6.htm#top, accessed February 29, 2008.

17 Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010,* pp. 14 and 20 (see note 11).

18 Voters must also be conscious of three additional deadlines to determine one's start date for the process: 1) when registration must be postmarked, 2) when a state must receive a voter's registration and 3) when a state must receive a ballot request.

19 2010 Census: Counting Americans Overseas as Part of the Census Would Not Be Feasible. GAO-04-1077T, September 14, 2004.

20 As explained in Chapter 3, we could not reliably assess whether American civilians overseas have sufficient time to vote because of inadequate information about international mail transit times and other data challenges.

21 Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010*, p. 1.

22 Three states, Pennsylvania, Minnesota and Vermont, were "at risk" (offering fewer than five business days of extra time) of not

providing their military voters enough time to vote. The remaining 31 states give voters ample time to vote in federal elections.

23 There is evidence that some military personnel lack access to e-mail and fax technology. *See,* Defense Manpower Data Center (DMDC), 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010,* pp. 14 and 20.

24 GAO Report 07-774, "Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens," June 2007, p. 30.

25 The 11 states are Alaska, Arizona, California, Florida, Hawaii, Indiana, Louisiana, Nevada, North Carolina, Rhode Island and West Virginia.

26 Under these various military mail assumptions, Connecticut, District of Columbia, Georgia, Maine, Michigan, New York and Texas move to the "at-risk" category. In addition, Pennsylvania, Minnesota and Vermont move from "at risk" to "time to vote."

27 It requires deliberate effort on the part of a voter to request an absentee ballot, and it is not surprising that 85.8% of absentee ballots requested by the general population in 2006 were cast. Calculation: 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.

28 Of the absentee ballots requested by military personnel, only 26.5% were actually cast in 2006. Calculation: 992,034 total UOCAVA absentee ballots were requested, of which 66.5% of those ballots requested that were categorized were categorized as military. *See*, 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 659,703 military absentee ballots requested ÷ 175,091 military absentee ballots cast = 26.54% absentee ballot cast rate.

29 *See*, Polli Brunelli, *The Federal Voting Assistance Program, 17th Report* (Washington, D.C.: DoD, Federal Voting Assistance Program, October 2005), chart 1, p. 1. Note the U.S. Government Accountability Office (GAO) concluded in its report, GAO-06-521, *Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, but Challenges Remain*, that "as result of known weaknesses in FVAP's reporting methodology, its estimates and conclusions should be interpreted with caution."

30 The processes in the three states "at risk" of not providing voters sufficient time—Minnesota, Pennsylvania and Vermont—take an average of 39 days.

31 Eight states allow for Election Day registration: Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, Wisconsin and Wyoming. These states allow voters to register on Election Day at their assigned precinct. This option is not available to absentee voters. Iowa used Election Day registration for the first time in 2008 and Montana for the first time in 2006. Maine, Minnesota, and Wisconsin have had it in place since the early 1970s and Idaho, New Hampshire and Wyoming have had it in place since the early to mid 1990s.

32 Extra time helps accommodate unexpected delays in the voting process.

33 The seven jurisdictions that do not afford military voters sufficient time to vote and also allow for ballots to be returned after Election Day are Arkansas, Georgia, Massachusetts, New York, Texas, Utah and the District of Columbia.

34 FVAP is designated by the President as the executive agent responsible for implementing the protections of UOCAVA (www.fvap.gov).

35 States could consider expanding the use of FWAB to include primaries, special elections, ballot initiatives and state and local elections. States could also encourage efforts to expand public education about FWAB as a back-up ballot.

36 Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010,* pp. 14 and 20 (see note 11).

37 In a study conducted by the DoD Inspector General in 2006, approximately one third of servicemembers surveyed were aware of the FWAB's use and purpose. 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), Table 2 on p. 6.

38 Only 22 states allow the use of the FWAB for state and local elections.

39 Overseas voters who fax or e-mail their ballot also must send their original ballot materials to the appropriate County Board of Elections to be compared to the faxed or e-mailed materials. *See*, http://www.state.nj.us/state/elections/vote_overseas.html#1, accessed on November 13, 2008.

40 Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010,* pp. 14 and 20 (see note 11).

41 The nine "no time to vote" states that afford military voters fewer than 45 days to receive and mail back their completed ballots are Alabama, Arkansas, Massachusetts, Missouri, New Hampshire, Oklahoma, South Dakota, Utah and Wyoming.

42 On average, increasing transit time to 45 days shaves eight days off the voting process for military personnel stationed abroad from the nine "no time to vote" states. And it shaves 10 or more days off the voting process for overseas military voters in four "no time to vote" states—Arkansas, Oklahoma, Massachusetts, and New Hampshire. In two states, Massachusetts and New Hampshire, these voters would need only seven additional days to finish the voting process in time to have their ballots counted.

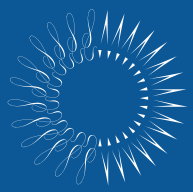
43 Illinois allows this provision in Suburban Cook County and the City of Chicago only.

44 *See*, http://www.fvap.gov/reference/laws/state-initiatives/index.html.

45 For more details, go to www.nccusl.org.

46 This assumption was necessary to calculate domestic mail times. In reality, military mail is not segregated by where the mail comes from in the United States, but by the intended destination. For example, the FPO in San Francisco, California, serves all armed forces in the Pacific and Asia, or based in the Western United States. Therefore, a uniformed citizen stationed in Seoul, Korea from New York will have his/her ballot routed to the FPO in San Francisco.

47 While our model assumed that voters used the fastest voting method available to them, there is evidence that some military personnel lack access to e-mail and fax technology. *See,* Defense Manpower Data Center, 2007, 2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees, *Note No. 2007-010,* pp. 14 and 20.



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