

**HEARING—SENTRI ACT (S. 1728) IMPROVING
VOTER REGISTRATION AND VOTING
OPPORTUNITIES FOR MILITARY
AND OVERSEAS VOTERS**

WEDNESDAY, JANUARY 29, 2014

UNITED STATES SENATE,
COMMITTEE ON RULES AND ADMINISTRATION,
Washington, DC.

The Committee met, pursuant to notice, at 10:01 a.m., in Room SR-301, Russell Senate Office Building, Hon. Charles E. Schumer, Chairman of the Committee, presiding.

Present: Senators Schumer, King, Roberts and Blunt.

Staff Present: Jean Bordewich, Staff Director; Stacy Ettinger, Chief Counsel; Veronica Gillespie, Elections Counsel; Benjamin Hovland, Senior Counsel; Ellen Zeng, Counsel; Phillip Rumsey, Legislative Correspondent; Lynden Armstrong, Chief Clerk; Matthew McGowan, Professional Staff; Lean Alwood, Chief Auditor; Mary Jones, Republican Staff Director; Shaun Parkin, Republican Deputy Staff Director; Paul Vinovich, Republican Chief Counsel; and Rachel Creviston, Republican Professional Staff.

OPENING STATEMENT OF SENATOR KING

Senator KING. The Rules Committee will come to order.

Good morning, and I see that our—well, if you—oh, let's have our witnesses take their seats at the table.

Our hearing today is on the SENTRI Act, legislation intended to improve voter registration and voting opportunities for military and overseas voters.

I am Angus King, Senator from Maine, sitting in at the beginning of today's hearing for Senator Schumer, who is at a meeting of the Judiciary Committee. He will be joining us a little bit later.

With me is Senator Roberts of Kansas, who is the Ranking Member of this Committee, and we will proceed.

Voting is our most fundamental democratic right. Today we are going to discuss legislation which is aimed at ensuring that members of our military and other American citizens who are overseas are able to cast a ballot and participate in our democracy.

Americans who are on the other side of the world clearly face barriers to voting that most of here in this country do not. Congress has previously passed two pieces of legislation to improve access and participation for our military and overseas populations.

The first was the Uniformed and Overseas Citizens Absentee Voting Act, known as UOCAVA, and that was passed in 1986.

And, as with most legislation—all legislation, in my experience—after implementation, we learned that improvements can and should be made. This is particularly true where advancements in technology allow for new innovation and can help modernize existing practices. With these factors in mind, many improvements were made to the UOCAVA legislation in 2009 with the passage of the Military and Overseas Voter Empowerment Act.

Reports from the 2012 general election, however, show that only 70 percent of the ballots sent to military and nonmilitary voters were returned—only 70 percent. On top of that, many of the ballots that were returned were unable to be counted because they arrived after the deadline.

We think we can do better than this. We must do whatever we can to ensure that the men and women who serve our country in uniform are not disenfranchised by unnecessary administrative barriers.

I am also a member of the Armed Services Subcommittee on Personnel, and this is an issue which I take very seriously.

The SENTRI Act builds on past legislation to provide many of the solutions that our military and overseas voters deserve. This bipartisan bill makes improvements to military and overseas voting that I believe Congress can reach agreement on.

The SENTRI Act provides important safeguards to the right to vote for military and overseas voters in a number of ways.

First, the SENTRI Act improves voter registration and voting opportunities for service members through the use of an online system, certainly not part of the original Act in 1986. It requires voter assistance as a routine part of service members' annual training. Simplifying, streamlining and reducing the time associated with voter registration will ensure that more of our citizens overseas are able to vote in future elections.

Also, this legislation ensures requests for absentee ballots remain valid for one full Federal election cycle, thereby eliminating some of the confusion and variance in implementation that has been seen across the country.

Another important feature of the SENTRI Act requires reporting on implementation and effectiveness of new voter assistance obligations that would allow for better monitoring and deeper understanding of the voting experience of our military and overseas citizens.

Overall, the SENTRI Act strengthens protections of voting rights of military and overseas voters. For this reason and others, the SENTRI Act enjoys support from a number of nonpartisan organizations dedicating to serving members of our military, veterans and protecting the right to vote for all Americans.

I am proud to be a co-sponsor of this important piece of legislation, and I would like to thank everyone who is able to join us today to discuss this topic, and I look forward to hearing the testimony of the experts on our panel.

Now I would like to turn to Senator Roberts for his opening remarks.

OPENING STATEMENT OF SENATOR ROBERTS

Senator ROBERTS. Why thank you, Mr. Chairman. I appreciate your willingness to preside here again so we can stay on schedule.

I want to thank the witnesses for agreeing to testify, and I look forward to their remarks.

I also want to thank my friend, John Cornyn, for his work on this issue. I look forward to hearing from him later.

We have a good panel of witnesses before us, and I want to hear from them. So I will not take up too much time.

I am glad we have witnesses from both the Federal and state agencies because they have to work together to ensure our service personnel are able to vote and have that vote counted.

As a Marine, I obviously care deeply about those who serve us abroad and want to make sure we are doing everything possible to make sure that those who wish to vote are able to do so.

This Committee produced, as the Acting Chairman indicated, the Military and Overseas Voter Empowerment Act, the MOVE Act, in 2009, to make sure ballots were sent out in sufficient time for them to be received and returned in time to be counted. Now we have gone through two general elections since those requirements went into effect, and it appears some problems remain.

The question is where those problems lie and what really needs to be done to address them. Is the problem at the state and local level, or the Federal level, or both?

I hope our hearing today will shed some light on that question. We need to know where the problem is before we can figure out how to fix it.

The SENTRI bill proposes some changes at both the state and Federal levels. I look forward to its consideration and the testimony of our witnesses here today.

Thank you, Mr. Chairman.

Senator KING. Senator Blunt, we are just getting underway. If you would like to make a statement, we would be delighted to hear from you.

OPENING STATEMENT OF SENATOR BLUNT

Senator BLUNT. Mr. Chairman, I have a statement for the record.

This is obviously an important issue. It is one that when I was the chief election official in Missouri for eight years, and the secretary of state, I was very involved in.

I hope we can continue to find things that ensure that people who are serving in the military not only get to cast their votes but get that vote counted, get it back in a way that gets it counted.

And I look forward to the testimony, and I am glad that we are talking about this bill.

[The prepared statement of Senator Blunt was submitted for the record:]

Senator KING. Thank you.

We will move to our first panel, who is at the table.

We have Mr. Matt Boehmer—we are going to go in alphabetical order—Director of the Federal Voting Assistance Program in the U.S. Department of Defense. Second is Mr. Kevin Kennedy, the Director and General Counsel of the Wisconsin Government Accountability Board, and third, Mr. Donald Palmer, the Secretary of the Board of the Virginia Board of Elections.

Thank you all, gentlemen, for joining us today.

And I would like to ask, if you possibly can, to limit your statements to five minutes, and if you have provided the Committee with a longer written statement, we would be delighted to accept that for the record.

Mr. Boehmer, please proceed.

STATEMENT OF MATT BOEHMER, DIRECTOR, FEDERAL VOTING ASSISTANCE PROGRAM, U.S. DEPARTMENT OF DEFENSE, WASHINGTON, D.C.

Mr. BOEHMER. Chairman King, Ranking Member Roberts and distinguished members of the Committee, thank you for the opportunity to discuss the Department of Defense's voting assistance activities and our view on the SENTRI Act.

Senator Cornyn and Senator Schumer, for the record, thank you for your continued commitment to our men and women in uniform.

As Congress and the courts have repeatedly affirmed, voting is a citizen's most fundamental right.

The Federal voting assistance program is committed to two voting assistance tenets—promoting the awareness of the right to vote and eliminating barriers for those who choose to exercise that right.

Last year, FVAP and the Department exemplified this commitment by advancing three major initiatives—creating a robust information portal, implementing greater voter assistance capabilities and commencing work to increase the efficiency of mail delivery.

We recently optimized our web site, which is FVAP.gov, by reorganizing content to enhance the user experience, implementing a section of the portal to track performance metrics for our voting assistance officers and updating online training which will be released in the early spring of 2014.

To improve our voting assistance capabilities, FVAP created a suite of materials in 2013 to provide absentee voter-specific information.

We are also providing online and in-person trainings for our voter assistance officers and election officials to make sure they are prepared to assist our UOCAVA voters.

Realizing that the time required to redirect mail once overseas may serve as a hindrance to casting an absentee ballot, the Military Postal Service Agency is serving as the lead agency in an effort with the Department of State and the United States Postal Service to lead an effort to modernize military mail delivery. The system will redirect election materials to military and diplomatic addresses, similar to how the civilian change of address system works, and should be available in October of 2014.

These activities illustrate the continuous work of the Department, and the proposals in the SENTRI bill enhance the notion of change and offer some real benefits to our UOCAVA voters.

The Department supports the initiatives in the SENTRI bill as written. However, we would like to work with the Committee to clarify some of the technical requirements to make sure that we are successful in meeting the intent of the bill.

FVAP is already working to address some of the initiatives listed in SENTRI.

We currently link voters to state systems where they are available.

And, we are working with an internal department system to prompt service members when they update their address to complete a new Federal Post Card Application upon every single address update.

We are also willing and capable to create an annual training by the 2016 general election for our active duty military members, which would then lead them to FVAP.gov to complete a new FPCA or to decline assistance. We would then be able to provide you with the aggregate numbers on the users who chose to go to FVAP.gov for assistance and for those who declined.

The language in Section 201, which requires electronic transmission of a completed FPCA by the Department to the appropriate state and local election officials, is where we have our greatest concern. The bill, as written, appears to focus entirely on an electronic process which would prove costly and could be incompatible with the 55 states' and territories' election rules, specifically in regard to the different rules governing physical signatures and the approved method of transmission of elections.

Removing this requirement would remedy the Department's concern with this section and recognize the role of states to field their own systems and offer electronic voter registration. The cost associated with the requirement to simply pre-populate our forms would be relatively low.

Senator King, Ranking Member Roberts and the Committee, thank you for the opportunity to share the Department's view on the SENTRI Act. We appreciate the Congress's ongoing interest in improving military voting. I look forward to your questions.

[The prepared statement of Mr. Boehmer was submitted for the record:]

Senator KING. Thank you, Mr. Boehmer.

I presume you will give to the Committee the details of the suggestions you have on those matters that you just mentioned.

Mr. BOEHMER. Absolutely, sir. Thank you.

Senator KING. I appreciate it.

Mr. KENNEDY.

STATEMENT OF KEVIN KENNEDY, DIRECTOR AND GENERAL COUNSEL, WISCONSIN GOVERNMENT ACCOUNTABILITY BOARD, MADISON, WI

Mr. KENNEDY. Thank you, Chairman King, Ranking Member Roberts and distinguished Committee members. I appreciate the opportunity to provide information to this Senate Committee on the SENTRI Act.

A little bit of background. I am Wisconsin's Chief Election Officer. I am a nonpartisan, appointed official and have served in that capacity for more than 30 years.

Wisconsin has been—I am also a former president of the National Association of State Election Directors.

Wisconsin has been a leader in making changes to facilitate voting for our military and overseas voters. In Wisconsin, we administer our elections at the local level. I have 1,852 local election officials who are responsible for getting the ballots out to all of our voters, including our UOCAVA voters.

We have developed an electronic delivery system that we put in place in 2012 that has cut the ballot transit in time and allowed us, even when some of those clerks fail, to ensure that ballots are delivered and returned in time for counting before the election.

When you are herding a group of cats, such as we often do, we find some human failings, but we have found with our electronic ballot delivery system, even with a handful of ballots that might have missed what was then the 45-day deadline, we were still able to get the ballots back in time.

The SENTRI Act makes a number of reforms and improvements to safeguard elections, and the spirit behind these reforms and improvements is commendable and has the support of state election officials. However, implementation of some aspects of these reforms, while not insurmountable, could be problematic.

For example, with data collection, the time frames for collecting and reporting data present challenges, especially around the deadline for transmitting ballots—46 days before the election.

If a Federal election is held on a Tuesday, as is the norm, day 46 is always a Friday. This means local election officials are scrambling to get the UOCAVA ballot requests filled before the mail goes out. The next two days are not business days. Yet, state officials must collect and compile data from local election officials and submit a report on the Monday following the transmission deadline.

This is particularly challenging for a state like Wisconsin, and other states, where the municipal election officials are responsible for fulfilling UOCAVA absentee ballot requests.

The SENTRI Act provides for express delivery of ballots that are not transmitted by the deadline.

We can still effectively implement the reporting deadline if we move it to 5 or 7 days after the 46-day deadline. This is particularly true when the UOCAVA voter has requested to receive the ballot electronically. Because the SENTRI Act provides for express delivery of ballots that are not transmitted by that 46-day deadline, the required information would still be captured with a slightly later reporting deadline, but it would also have the advantage that it would not be an incomplete report.

What you are going to get under the current provisions is a report, if there are failures, of incompleteness.

If we postpone that deadline by two or four more business days, what you will get is a report that tells you if the ballots were not delivered, how that was remedied, because the SENTRI Act provides for the express. Instead of having several reports, you will get one complete report, and the Department of Justice and the Federal Voting Assistance Program will know where there was a problem but also how that problem was solved.

So I really encourage you, instead of having that day 43 reporting, that it be day 41 or, even better, day 39 because you will get one report that will be much more complete.

Our goal has been to make it as easy as possible for our local election officials to complete the reporting requirement so that they can maximize the time they spend serving the voters as we do at the state level.

Another suggestion is that the Department of Defense and the U.S. Elections Assistance Commission have coordinated their collection of post-election data. Yet, there are two different deadlines for filing and getting that information. I would suggest that rather than the 90-day deadline we have currently that we dovetail that

with the deadline that is available for reporting to the U.S. Elections Assistance Commission.

As has been said, elections are the cornerstone of our democracy. A citizen's right to vote is one of our most enduring principles. Our uniformed services and overseas voters make extreme sacrifices to protect that right for us. They deserve the commitment and effort of all of our public officials to enable them to fully participate in the electoral process.

I appreciate the opportunity to share my thoughts with you, and I would be happy to answer any questions Committee members have.

[The prepared statement of Mr. Kennedy was submitted for the record:]

Senator KING. Thank you, Mr. Kennedy.

Your testimony about what day election day is allows me, perhaps for the only time in my service in this body, to share one bit of knowledge that I have carried around for a long time.

Do you know the definition of when a presidential election occurs? It is the first Tuesday after the first Monday in November of every even-numbered year, equally divisible by four.

[Laughter.]

Senator KING. Isn't that a wonderful rule to have?

Mr. KENNEDY. That is a great rule.

Senator KING. I am afraid that may be taking up room in my brain for other more useful things, but—Mr. Palmer, please.

**STATEMENT OF DON PALMER, SECRETARY OF THE BOARD,
VIRGINIA BOARD OF ELECTIONS, RICHMOND, VA**

Mr. PALMER. Thank you, Chairman King, Ranking Member Roberts and members of the Committee. Thank you for the opportunity to testify today on the SENTRI Act, which continues the improvements to the military voting process under the MOVE Act.

The recent release of the report from the Presidential Commission on Election Administration noted the continued difficulties of UOCAVA voters in registering to vote, receiving their ballots in a timely manner and returning their ballots to election officials in time to be counted.

The SENTRI Act recognizes that military voters have lower registration and participation rates and much lower rates of absentee ballots that are successfully returned and counted. The rate of successful return for overseas military ballots remains in the high 60s while the successful return of domestic absentee ballots is closer to 98 percent.

In a world full of technology, we must not forget the very human purpose of this legislation, and that is to allow all members of the republic to vote, no matter where they are on the globe.

The Presidential Commission also noted the difficult situation that UOCAVA voters continue to find themselves. The sponsors of the SENTRI Act have shown focus and foresight to determine where the MOVE Act is succeeding and where it must be amended. While the language was drafted well before the Commission report, the legislation reflects many of the bipartisan recommendations on how to improve that registration and absentee ballot process.

The Presidential Commission also specifically called for online mechanisms for UOCAVA voters to easily and quickly update their address or registration status. The SENTRI Act requires annual voter assistance and updates of registration data by the military member with online tools. DoD would facilitate the update of registration information at the same time that members would normally update their information due to deployments, overseas duty or changes in duty station or some other change in status.

Based on my military experience, there are more than a dozen different forms that must be updated online each year, not only before deployment or a new duty station but for training purposes or for a calendar, or fiscal, new year. This process should fit nicely into existing procedures for updating materials.

The Commission noted in its report that military and overseas voters represent the population most likely to benefit from the increased use of the internet and the registration process. And, again, DoD members are a very mobile population of voters. Because of this mobility, inaccurate addresses and information lead to significant delays in ballots reaching the military or result in undeliverable ballots where the ballots never reach the voter at all.

The SENTRI Act would provide online mechanisms to maintain accurate voter registration information on UOCAVA voters for the benefit of all state and local election officials.

My experience with electronic registration in Virginia shows that an online process can be secure with appropriate verification of identity and will improve the overall integrity of the registration process and voter rolls.

The Presidential Commission specifically recommended the data exchange of voter registration information between states. Data from other states allow state and local election officials to maintain accurate voter rolls by keeping up with a mobile population. Similarly, any DoD system that provides a consistent and reliable flow of updated data for military voters would dramatically increase the accuracy of the registration data at the local and state levels.

The Commission also noted that compliance with UOCAVA and the MOVE Act for military and overseas voters continues to be inconsistent and inadequate, and enforcement must be strengthened.

The SENTRI Act does provide special rules in the case of failure by state or local officials to transmit their ballots on time. Despite good efforts, there have been some failures in 2010 and 2012. State election officials often do not have the authority to require local election officials to report the transmission of ballots and are not aware of failures.

As time goes by, jurisdictions get better with this process. However, the failures have resulted in a great deal of litigation.

The SENTRI Act may resolve the litigious nature of the MOVE Act. The law would require jurisdictions to automatically send ballots by express delivery if they fail to meet the 45-day deadline. The proposed law would reduce the amount of lawsuits by immediately providing a built-in remedy for the voter. Federal law would prioritize the express transmittal of the ballot over waiting for post-election litigation and appropriate judicial relief.

The SENTRI Act is a bipartisan piece of legislation on which election community has been consulted on a number of occasions.

The authors have responded to the input of state and local election officials and other stakeholders. Many sections of this bill are aligned with the major bipartisan recommendations of the Presidential Commission.

In my estimation, the use of technology, data-sharing and other common-sense reforms will help UOCAVA voters more efficiently register and request absentee ballots, improve the integrity of UOCAVA registration data and improve election administration in the United States.

Thank you for the opportunity to testify on this important issue.

[The prepared statement of Mr. Palmer was submitted for the record:]

Senator KING. Thank you, gentlemen.

We will now have a five-minute round of questions, and there will be, hopefully, some opportunity for follow-up.

Mr. Kennedy, you testified about the deadlines and moving the 46 days to 39 or some other number.

I guess the first issue is, is there an issue with making that change?

It seems sort of straightforward. But, is there a counter argument as to why not to shorten those deadlines or, actually, lengthen them?

Mr. KENNEDY. Well, the main argument would be to have the data as quickly as possible, but I think what cuts against that argument—you know, to have the data in the hands of the Department of Justice and the Federal Voting Assistance Program.

What cuts against that—and I base this on our experience from 2012—is that if there has been a failure, that information is going to be incomplete and the state officials are going to be working hard to remedy this.

I think Mr. Palmer made the point—and I tried to as well—that we have built in remedies that normally would be part of litigation or a discussion. And, by moving that deadline by two days, we are going to give one report that is going to say the ballots were sent out, or if they were not, this is what was done to make sure that they got sent out even though they missed the 46-day deadline.

Senator KING. Is there any cost on the local election officials to implementing this whole structure?

Mr. KENNEDY. It is a time cost. As I said, they are busy trying to make sure that they fulfill the absentee ballots. It is a matter of how much time they have.

We have built in Wisconsin a very good data collection tool which we will refine to ensure that we have that. As I said, we spent a lot of time in Wisconsin with a handful of municipalities that were difficult to track down, contacting them by e-mail, phone, to make sure that they got their data into us. That is really the challenge—is making sure that that information is available.

Senator KING. Mr. Palmer, you talked about online registration, and clearly, we are moving in that direction. Talk to me about security of online registration and utilizing the internet for these kinds of transactions. Are local election officials comfortable that there is not a high risk of fraud in this kind of situation?

Mr. PALMER. Mr. Chairman, I believe that local and state officials are very much leaning toward online or electronic registration

because you are usually taking the registration and the information from the voter and you are actually comparing it to a database such as at the Department of Motor Vehicles. So you have confirmation of the person's identity. You have confirmation of the person's—you will have their signature online, and you will have their photo.

So there is already a process where that individual has been confirmed with another state agency, and so once there is that match, it raises the level of confidence of election officials on the integrity of that registration.

Senator KING. Mr. Boehmer, would you like to comment on moving in this direction?

Mr. BOEHMER. Sir, from the Federal Voting Assistance Program, as I mentioned in my oral testimony, we actually on our web site will link to the states that have these online voter registration systems.

So, from an assistance standpoint, you know, the use of the internet and the tools will really help our voters. And, from that point, we hand it off to the states and let the states do the administration of elections.

Senator KING. So, in the states that have those systems, a young member of the military who had not registered at all when they left the country could register in Virginia or in Wisconsin from abroad and then go through the voting process; is that correct?

Mr. KENNEDY. Absolutely. Wisconsin has the same online system, and it has worked very well in 2012 for us.

Senator KING. And how many states have this kind of system?

Mr. PALMER. Mr. Chairman, I believe it is probably up to 18. It is just above 15 to 18, I would say—the number of states that have some sort of online registration.

Senator KING. And I presume that is growing each election year, that states are adding this capacity.

Mr. PALMER. Yes, Mr. Chairman.

Senator KING. Mr. Boehmer, what are the gaps that you see the SENTRI Act filling that you are unable to do under the current law?

Mr. BOEHMER. Mr. Chairman, I believe that regardless of the SENTRI Act we are always looking to improve our processes and improve the assistance that we provide our military and overseas citizen voters.

The SENTRI Act offers provisions that we think will be very helpful for our voters. A couple of these, for example:

Increasing the validity period of the Federal Post Card Application from one calendar year to one general election cycle makes sense, particularly from a voter's expectation standpoint. You know, a voter expects to be able to request to register, excuse me, to register and then request an absentee ballot only once in a general election cycle, and so increasing the validity of the FPCA to one general election cycle should align with our voters' expectation.

In addition, we mention the issue is not necessarily all about registration. Sometimes it is about the fact that our military population is particularly mobile. And, as I mentioned again in my opening statement, we are working on initiatives already that are mentioned in SENTRI on making sure that our military members

know the importance of every time they move to notify their local election official. That provision is actually in SENTRI.

And we are actually working on taking some of the Department's internal systems, where military members naturally go to update their address information for health care benefits, for example, and then prompting them at that time, to say, you just changed an address; it is important for you to remember that you need to notify your local election official.

And they can then go to FVAP.gov and actually fill out a new FPCA to change their address right there online.

Senator KING. Senator Roberts.

Senator ROBERTS. The Election Assistance Commission's Election Administration Voting Survey for 2012 found that of 33.1 million domestic absentee ballots transmitted, 83.5 percent were returned and submitted for counting.

For military and overseas voters, 876,000 were transmitted—and that prompts one question, if you have 3 million people in the military why only 876,000 requested to vote—but then only 66 percent were returned and submitted for counting.

So, obviously, the lower rate of return for military and overseas voters is cause for concern, but the question arises—whose fault is this? Where is the problem?

Let's start with you, Mr. Boehmer.

Mr. BOEHMER. Thank you for the question, sir.

I think what we really want to take a look at are assistance activities and what we can do to help our military members.

We say that the military is registered at a higher rate than their civilian counterparts, and what we need to make sure is the fact that the military members, who, again, are a very mobile population—we need to recognize that. So making sure that military members receive their absentee ballot is going to be incredibly important.

Again, voting is an absolutely personal choice, and we want to make sure, though, that for those who want to vote that they really do have the tools and resources to do that.

Therefore, initiatives such as the Military Postal Service Agency, you know, working hand in hand with the Department of State and the United States Postal Service to modernize the mail delivery system is something that is going to be really important—so that a change of address, that the local election officials will send out the absentee ballot. A change of address will happen right there at the local post office instead of having to wait all the way to an overseas location for that to change.

So we know that the issue of time is something that is against our military members, and this should go towards helping solve that.

Senator ROBERTS. Mr. Kennedy, any comments?

Mr. KENNEDY. Yes. I think increased use of technology will help. The states like Wisconsin and Virginia that have electronic ballot delivery have been able to ensure that our end of the bargain has been fulfilled. Even in Wisconsin, where out of about 10,000 ballots we had 4 that missed the deadline, those ballots went out with electronic transmission and were returned before the election and counted.

And I think the emphasis has to be looking at the electronic return of the ballots and improving the return rate—the focus of the Federal Voting Assistance Program on increased communication with the members.

Senator ROBERTS. So it is electronic capability—

Mr. KENNEDY. I think that would—

Senator ROBERTS [continuing]. That you are talking about our technology.

Mr. Palmer, do you have anything to say about this.

Mr. PALMER. Yes, sir. It is time and distance. It is the age problem that we have with the mail system getting to a remote voter in a land far away, and there is really no margin of error in the absentee balloting process. If there are any errors, there is a potential of delay that may impact the voter.

I think Kevin Kennedy talked about the ballot return. The return of the ballot is the problem. It seems to be in most cases. Thirty states allow the return of the ballot by some sort of e-mail or fax to sort of mitigate that problem, and that is not an issue with this legislation, but it shows that the Postal Service has some issues with getting the ballots back on time.

Senator ROBERTS. Let me just say that on page 4 of the Act—and my reference here—Mr. Chairman, pardon my delay. I am not sure I can even—oh, dear.

Well, under G and 1 and A and B and then the capital letter I, Roman number II, iii, we finally get down to this should not be paid by the voter but may be required by the state to be paid by a local jurisdiction if the state determines election officials in such jurisdiction are responsible for the failure to transmit the ballot by any state required under this paragraph.

In 105 counties in Kansas, that is not in the bill.

There is Harriet out there, who is the local county election official. She has been doing a good job for many years. She would like to retire, but everybody wants to keep her on because they have had no ballot fraud. We do not know what ballot fraud is in Kansas, thank goodness.

But I just wonder; is the county going to pay for this if, in fact, you know, they do not get this ballot back?

What kind of costs are you incurring in the State of Wisconsin with regard to county election officials?

This is a follow-on of the Chairman. This looks like to me it could be a real problem with another unfunded mandate.

Mr. KENNEDY. Well, it may be an unfunded mandate, but it is a mandate that is created by the failure of the local election official.

We do it at the municipal level. So, rather than my 72 counties, it is my 1,852 municipalities. As I indicated, we had 4 that missed the 45-day transit time—

Senator ROBERTS. Right.

Mr. KENNEDY [continuing]. And we were all over them.

And, to me, the fact that we have a remedy built into the system—I can point to this and say, you are going to pay the cost for this, and this will be a lesson learned.

Our compliance has gone up tremendously with the more oversight that we do.

Senator ROBERTS. Well, you only had 4, but 34 percent did not return them, and that seems to me to be a big problem.

I am out of time, Mr. Chairman. Thank you, sir.

Senator KING. Senator Blunt.

Senator BLUNT. Thank you.

Senator Roberts, I may be wrong on this, but I think a lot of that 34 percent did not receive them in time.

One of the things that Senator Cornyn and I have worked on—and others I am sure have, too—is to get the Post Office to buy the equipment for military mail that they have for everybody else, and they have just agreed in the last defense discussion to do that.

If something was mailed to anybody in this room who is not in the military, in almost all cases, if there is a forwarding address that gets disrupted in the process of the first delivery.

In the military, they do not have that equipment yet for military mail. So it either goes to the location, as I think Mr. Palmer suggested it might, where the person was when they first requested the ballot, or it comes back to the APO address and then goes again.

So just getting an investment in equipment here, which the Defense Department has agreed to do—so, hopefully, by the next cycle, that part of this problem will minimize the rest. But, if you do not get the ballot before the election is over, you obviously cannot mail it back.

And I agree totally with Mr. Kennedy that the penalty needs to be on the election official that does not get the job done. There is no reason for the Federal Government to make it easy for that person not to do their job. And it is a minimal kind of penalty, but it is one you do not want to explain to your boss, if you are the local election official, why it is.

And what would the remedy be again, Mr. Kennedy? Is it you have to send it under some sort of expedited mail?

Mr. KENNEDY. You send it by express mail, and if it is delayed, the local election official will pay the express mail cost as well.

Senator BLUNT. Right, right.

On the registration—the electronic registration—apparently, Mr. Boehmer, you are concerned that there may be some conflict here with state laws that require the application for a registration to come in writing. Am I right on that?

Mr. PALMER. That is correct, sir.

Senator BLUNT. And in the states that have electronic registration, do any or all of them have that just for military, or military and overseas, registrations?

In the states that have electronic registration, Mr. Palmer, is it your view that anybody can do that, or are there categories of people that have that electronic registration available to them?

Mr. PALMER. If you are a registered voter in a state which has a program like that, you could either update your registration online or update your status with that program.

Senator BLUNT. Online. And you think about 18 states are doing that now?

Mr. PALMER. Eighteen states. And I believe that, obviously, a lot of different states have different requirements on what they want

on the document, either the registration document or the FPCA, which is the military absentee ballot request form.

But, if that information could be sent—prepopulated and then sent to the jurisdiction, it would serve the same purpose until the individual state makes the policy decision to go with online registration.

Senator BLUNT. And we could override the registration in writing for Federal offices, I believe, but we could not override it for state and local offices. And you want to be sure that everybody can participate in every election they should be eligible to participate in, no matter how they register. Is that right, Mr. Boehmer?

Mr. BOEHMER. Our assistance is for Federal elections.

Senator BLUNT. Right.

Mr. BOEHMER. So what we want to make sure of is that our voters from the Department of Defense standpoint do not get confused about the requirements of individual states. So, when we can link off to states' own registration systems, it really serves our voters well, and as you mentioned, states are actually moving towards these online registration systems.

To Mr. Palmer's point, what we can definitely do at the Federal level is prepopulate that form to make it easier on the voter so that when they can send it to the state that information would already be filled out.

Senator BLUNT. And does anybody disagree with—Mr. Kennedy, as I understand your view on the deadline, you just think a few days there would make a big difference. From the deadline we have in the legislation to what deadline would you suggest?

Mr. KENNEDY. I would suggest that it be day 39.

Senator BLUNT. Instead of 40?

Mr. KENNEDY. Instead of 43.

Senator BLUNT. Three.

Mr. KENNEDY. In other words, it is one week after the deadline that ballots should be out. What you will get is a more complete report that says: Yes, we hit our target. If we missed on four, this is how we solved the problem because the SENTRI Act puts the remedy right in there.

Otherwise, what you are going to get is a report that says: We have not got all of the data yet. Or, if we have the data, here is what we have. And, if it is incomplete, this is what we are doing.

And then you get another report under the Act.

This way, you get one report that is more complete.

And, if you do have an outlier clerk or local election official, that will be focused. But most of these problems are going to get solved in that time period.

Senator BLUNT. Okay. I see the Chairman and the principal sponsor of the bill is here, and my time is up.

Senator ROBERTS. Mr. Chairman, I would like to ask unanimous consent, with the permission of the distinguished Chairman, that the Senator from Missouri be granted another two minutes and if he would yield for a question.

Senator BLUNT. I will be glad to yield.

Senator ROBERTS. I am sorry. I did not see you leaving. I would not have interrupted.

Senator BLUNT. I am on the way to the floor.

Senator ROBERTS. Well, you have some unique experience with the State of Missouri, obviously, with your past experience. I am still troubled by the 3 million people in the military and 876,000 requested ballots, and then of that, only 66 percent were returned. There is 34 percent missing right there.

And then on the top of it, something seems to be wrong.

I mean, you know what? Well, I guess you would like to have a system where it was 100 percent.

But the thing that bothers me is that I think from your expertise and from the panel's discussion and their expertise that you have got a lot of problems with the Post Office and the Defense Department.

I am not trying to point anything to you, sir.

And I just do not want, again, Harriet out there in some county that does not have the technology yet, that that is going to cost the state something and that the burden of cost is on that county despite the fact that they have had a spotless record to date. If, in fact, it is a Post Office problem or a DoD problem, they ought to pay for it.

I do not like unfunded mandates, which I know everybody here agrees that is not the case, but I worry about it.

Senator BLUNT. Right. I think the challenge on the delivery is not that the local election official does not get the ballot in the mail on time. But you do have a very mobile population that in the normal delivery system their mobility would be taken care of in transit of the mail itself wherein the way that DoD does it, they do it like they would have done it 20 years ago, where it has to go somewhere and then be forwarded or maybe go back—

Senator ROBERTS. Right.

Senator BLUNT [continuing]. To the original APO box.

And I do not know how much of that problem will be solved by new equipment, but a significant amount of this problem is an equipment problem, and the Department of Defense has agreed to buy for the Post Office the equipment the Post Office needs to treat military mail like they treat all other mail now, and the way mail moves forward. So that will take care of a lot of it.

But that is not a case where the local election official got the ballot in the mail late. They do not get it not because it got in the mail late but because it does not catch them where they are until perhaps it is too late to cast the ballot.

Senator ROBERTS. I appreciate that insight, and I thank you very much.

Senator KING. No further questions?

[Pause.]

Senator KING. Thank you very much, gentleman.

Chairman SCHUMER [presiding]. Well, thank you.

I want to thank our panel and thank Senator King for stepping in and chairing the hearing. He is a great new member of the Senate and of this Committee.

We are proud to have you on.

Senator KING. Thank you.

Chairman SCHUMER. And now we will call our next panel, our next witness, Senator Cornyn.

Okay. I want to thank my good friend, Senator Cornyn, for speaking with us this morning about the SENTRI Act, for sponsoring this important bill.

He and I have worked together as a team because we feel it is so important that the men and women who are risking their lives for our right to vote have that right themselves. We share a deep commitment to protecting and strengthening voting rights of military and overseas voters.

So, Senator, I have read your statement. I could not agree more with it and with your statement on the Senate floor four years ago, that if our soldiers can risk their lives for us, we can at least allow them to vote.

And I thank you. You are so concerned about this, and your diligence is helping us move this forward.

I will ask unanimous consent my statement be put in the record and call on our witness, Senator Cornyn.

[The prepared statement of Chairman Schumer was submitted for the record:]

STATEMENT OF THE HONORABLE JOHN CORNYN, A UNITED STATES SENATOR FROM THE STATE OF TEXAS

Senator CORNYN. Well, thank you, Mr. Chairman.

And thank you, Ranking Member Senator Roberts, for your important work on this subject, and I am glad to be before you this morning.

Of course, Senator Roberts is the most senior Marine in the United States Congress, and of course, there is no doubt about his commitment and our collective commitment to making sure that our men and women who are deployed overseas can exercise the most basic right of a citizen, which is to cast their vote effectively.

The 2012 election made clear that there are too many barriers to military service members and their families voting, and to having their votes actually counted, and we need to do more.

In the weeks before the last election, November 2012, I heard from many military service members from Texas, both overseas and stateside, because they were having trouble casting their ballots. They reached out for help because election day was rapidly approaching and they still had not gotten their absentee ballot.

I heard from the grandmother of one Texas Marine, who was serving in Afghanistan, and the father of another because both deployed Marines were missing their ballots.

I heard from the mother of an Airman from Texas that was in the middle of moving from one Air Force base to another and did not know where his ballot was going to be sent and whether it would reach him in time.

These are just examples of the hurdles that our military voters have in every election cycle.

Of course, we all understand—and Mr. Chairman, you just acknowledge again—that these Americans make tremendous sacrifices in the defense of our Nation and those sacrifices should not include giving up their most basic rights as citizens.

Without question, it remains much more difficult today for military service members and their families to exercise their right to vote than their civilian counterparts. Most problems experienced by

the military stem from their being gone from their home voting jurisdiction on election day, which is a direct result of their service. While it may never be as easy to vote for service members who are away from home, we owe them our best efforts to remove as many obstacles as possible.

To that end, this past November, I introduced—along with the Chairman, Senator Schumer—the Safeguarding Elections for our Nation’s Troops Through Reforms and Improvements Act, the so-called SENTRI Act. This represents the third effort, Mr. Chairman, you and I and others have made together to improve military voting, and I want to thank all of those members who have joined us in this important bipartisan effort.

Congress has already removed some major hurdles that have hampered military voting in the past, for example, in 2009, by enacting a number of important reforms through the so-called MOVE Act that was supported by Senators Schumer and Chambliss, among others. And I was proud to support the MOVE Act and author two parts of it.

The 2012 election was the first presidential election since the MOVE Act, and post-election analysis shows that this law has improved various aspects of the process, including reducing the number of marked ballots that were rejected by local election officials.

But this data also reveal a large number of military and overseas voters who continue to experience problems. For example, all of the blank absentee ballots that were sent out to military and overseas voters—of all of them, only 30 percent—I should say 30 percent did not make it back.

Let me state that again just for clarity. For example, of all the blank absentee ballots that were sent out to the military and overseas voters in 2012, more than 30 percent never made it back to local election officials to be counted. This suggests that many of those ballots never reached the intended voter likely due to outdated voter registrations or ballot delivery problems.

So the MOVE Act made a difference, but clearly, there is more that needs to be done.

The area perhaps most demanding of our attention is military voter assistance. The significant drop in absentee ballot requests in 2012 points to the need for the Department of Defense to enhance its military voter assistance to put them more on par with motor voter-style assistance programs that benefit civilians stateside.

Blank absentee ballots have a significantly better chance of reaching registered military voters at the correct mailing address if those service members are able to keep their voter registration current, which can be challenging because of the transient nature of military service.

In the MOVE Act, we attempted to address this issue by creating a voter assistance office on every military installation, but the DoD was resistant, honestly, to that. And I had conversations with the Chairman of the Joint Chiefs of Staff, among others, about that.

So the SENTRI Act would require the DoD to offer military voters an affirmative annual online opportunity to fill out a voter registration and absentee ballot request form.

Helping military voters to keep their voter registration current would also aid local governments, which I know is a big concern

of the Ranking Member—the burdens on them. So this would help facilitate that.

So, in conclusion, the SENTRI Act is aimed at fixing the system's most glaring deficiencies which continue to inhibit our service members' ability to vote, and I hope the Committee will vote this out favorably.

There is no one-size-fits-all solution to the various problems that our military face when it comes to voting, but I am hopeful that we can continue to make good progress.

And I am grateful to you, Mr. Chairman, and to Senator Roberts, the Ranking Member, for your commitment to this noble cause. And so I look forward to working with you to see its final passage.

Finally, Mr. Chairman, I would ask unanimous consent that various letters of support I have in favor of the SENTRI Act be made part of the record, following my remarks.

[The prepared statement of Senator Cornyn was submitted for the record:]

Chairman SCHUMER. Without objection.

[The information was submitted for the record:]

Chairman SCHUMER. And thank you, Senator Cornyn, not only for your eloquent testimony on behalf of the men and women serving us overseas but also your just steadfastness on this bill and on the whole issue. We are not going to get things done without your—it would not get done without your leadership. So thank you for caring.

I do not have any questions.

I have submitted my statement in the record.

Senator Roberts.

Senator ROBERTS. Thank you, Mr. Chairman.

I would like to submit three questions—one to Mr. Boehmer with regard to the law requiring voting assistance for military voters and clear must be enforced, et cetera, et cetera, and we did not have enough time to really get into that, and then one with the MOVE Act and its requirements.

The Defense Department Inspector General attempted to contact every one of the installations' voting assistance offices but was unable to do so 50 percent of the time. So that is a real problem. And he, the IG, simply recommended we change the law to get rid of the requirement and make it discretionary, which is pretty—it notes a significant difference with regard to the testimony today. So that would go to Mr. Boehmer.

And then one other question—I do not need to go into it other than to make the statement that if the distinguished Senator from Texas has any problem, any area in Texas, we can send pretty fast horses with saddle bags from Dodge City anytime he needs it.

Chairman SCHUMER. Or, from Brooklyn, New York.

[Laughter.]

Chairman SCHUMER. I would like to thank Senator Roberts and assure him—first, without objection—those questions are submitted for the record. We would ask the witnesses to respond within a week in writing, if that is okay.

Okay, without objection.

And I want to thank Senator Cornyn.

I want to thank Senator Roberts and assure him we want to work with him to try and deal with the problems he has so we can move forward.

So, without objection, the hearing record will remain open for five business days for additional statements and post-hearing questions submitted in writing—okay, I gave a week. I will modify that to five days—for our first panel of witnesses to answer.

I want to thank my colleagues for participating, particularly Senator King, who pinch-hit for me, and sharing his thoughts.

And, since there is no further business, the Committee is adjourned.

[Whereupon, at 10:54 a.m., the Committee was adjourned.]

APPENDIX MATERIAL SUBMITTED

**Statement of Chairman Charles E. Schumer
Senate Committee on Rules and Administration**

Hearing on

**The SENTRI Act (S.1728) –
Improving Voter Registration and Voting Opportunities for Military and Overseas Voters**

January 29, 2014

First, I would like to thank Senator John Cornyn for sponsoring this bill with me. He and I share a deep commitment to protecting and strengthening the voting rights of military and overseas voters. I couldn't agree more with his statement on the Senate floor four years ago that if our soldiers can risk their lives for us, we can at least allow them to vote.

The SENTRI Act has already garnered strong bipartisan support. I want to recognize my partners in this effort—Senator John Cornyn, Senator Roy Blunt, Senator Sherrod Brown, Senator Thad Cochran, Senator Ted Cruz, Senator Angus King, Senator Rob Portman, Senator Marco Rubio, Senator Mark Warner, and Senator Roger Wicker.

The difficulties facing military and overseas voters are not new. In 1986, Congress passed the Uniformed and Overseas Citizens Absentee Voting Act – known as UOCAVA. That required states to register service members and their families and other voters living overseas and to allow them to vote absentee.

While UOCAVA was an important step forward, many problems for military voters persisted. In 2009, I'm proud to say, Senator Cornyn and I worked together with other Senators to pass the Military and Overseas Voter Empowerment Act – or the "MOVE Act" as we call it – as part of the fiscal year 2010 National Defense Authorization Act. On a bipartisan basis, we agreed that in a land where elections are the bedrock of our democracy, those who risk their lives should be able to choose their next commander-in-chief.

The MOVE Act was intended to ensure that ballots would be sent to military and overseas voters early enough to give them ample time to return the ballots and have them counted. It also prohibited states from rejecting otherwise valid voter registration and absentee ballot applications due to minor issues like notarization.

What we did in the MOVE Act has already improved voting for military and overseas voters by removing some of the biggest hurdles, but it is not enough. In the 2012 general election, only 70% of ballots transmitted were returned and the number one reason for returned ballots being rejected was that they were returned too late. Large numbers of military and overseas voters continue to experience problems with absentee voting caused, at least in part, by outdated voter registration or ballot delivery problems.

The recent report from the Presidential Commission on Election Administration highlighted some of the continuing challenges for military and overseas voters. In their work, the Commissioners found inconsistent implementation of UOCAVA and MOVE Act provisions. The Commission also found that utilizing technology to improve the voter registration process and increase access to election information would significantly help military voters. Many of the reforms of the SENTRI Act are designed to address these exact issues.

In this era of advanced technology, we can and need to do more to make sure that our troops receive their requested ballots in a timely manner and those ballots get counted on Election Day. The SENTRI Act does precisely that by correcting some of the remaining problems with the absentee balloting process for overseas and military voters.

The legislation improves voter registration and voting opportunities by requiring the Department of Defense to implement an online system where service members can register to vote, update voter registration information, request absentee ballots, and receive automatic notifications regarding voter status. In an age where accessing information online is par for the course, this online system is crucial.

The legislation also protects voting rights of military and overseas voters by requiring states to submit a pre-election report to the Justice and Defense Departments on the status of absentee ballot transmission. Having this information will allow the Justice Department to determine whether enforcement actions are necessary.

Additionally, states that fail to transmit ballots on time will be required to send them by express delivery, further ensuring that our service members can complete the ballot in time for the election.

The legislation also makes some technical corrections, such as clarifying that service members need only request absentee ballots once for all races in the two-year Federal election cycle.

Four years after we passed the MOVE Act, it is time to update and remedy known problems. It is simply unacceptable that those who fight to defend our freedom often face the greatest obstacles in exercising their right to vote. We cannot forget the plight of these voters.

Good work has been done in the last four years to make voter registration and voting easier for military and overseas voters. I firmly believe that the SENTRI Act will further that progress. With the 2014 elections 10 months away, passing this bill will end the effective disenfranchisement of our troops and their families.

I look forward to working with my colleagues to pass the SENTRI Act and see it signed into law.

January 29, 2014

Opening Statement on “Improving Voter Registration and Voting for Military and Overseas Voters”

Committee on Rules and Appropriations

Senator Roy Blunt

Our servicemen and women make tremendous sacrifices every day to protect our freedom, but those sacrifices should not include giving up their right to participate in the voting process.

Members of the military deserve the basic assurance that their votes will count no matter where they are stationed.

I have always been a champion of ensuring this right for our men and women in uniform. In 2009, while I was still in the House of Representatives, I was proud to vote in favor of the Military and Overseas Voter Empowerment Act as part of that year’s National Defense Authorization Act.

That was a strong step in the right direction, but it is clear that more needs to be done.

As a member of the Senate Armed Services Committee, I continue to work closely with the Federal Voting Assistance Program, the Military Postal Service Agency, and appropriate

civilian agencies through the annual National Defense Authorization process to ensure members of the military receive their absentee ballots in time to vote.

I am proud to cosponsor the SENTRI Act. However, I agree with some of the witnesses that we must be careful to avoid any unintended consequences that may inadvertently create new frustrations for members of the military when trying to vote.

I am confident that the members of this committee can work together in a bipartisan manner to ensure the effective and efficient delivery of absentee ballots so members of the military can have their voices heard.

Thank you.

**STATEMENT OF
MR. MATT BOEHMER
DIRECTOR
DEPARTMENT OF DEFENSE
FEDERAL VOTING ASSISTANCE PROGRAM**

**BEFORE THE
UNITED STATES SENATE COMMITTEE ON
RULES AND ADMINISTRATION**

**HEARING ON
SAFEGUARDING ELECTIONS FOR OUR NATION'S TROOPS
THROUGH REFORMS AND IMPROVEMENTS ACT (SENTRI - S. 1728)**

January 29, 2014

Chairman Schumer, Ranking Member Roberts, and distinguished members of the Committee, thank you for the opportunity to discuss the Defense Department's view on the Safeguarding Elections for our Nation's Troops through Reforms and Improvements Act, also known as SENTRI.

The Department is always striving to advance the tools and resources needed for our Service members, their families and overseas citizens to vote absentee successfully from anywhere in the world. In 2013, the Federal Voting Assistance Program (FVAP) and the Department advanced three major initiatives by creating a robust information portal, implementing greater voter assistance capabilities, and commencing work to increase the efficiency of mail delivery with the establishment of the Military Postal Automated Redirection System (Military PARS).

FVAP has optimized its website, FVAP.gov, by reorganizing content to better suit users, deploying key portions of the site to track performance metrics for our Voting Assistance Officers (VAOs), and beginning to update online training for release in spring 2014. The information-rich portal was designed and implemented to allow for: a dynamically generated Voting Assistance Guide for Unit VAOs to use in the field; standardized metrics across the Services; and dedicated content for voters on how to navigate the absentee voting regulations for each State.

FVAP is always looking for ways to improve its voter assistance capabilities. In 2013, FVAP created a suite of materials for use by VAOs, election officials and other stakeholders. These materials provide absentee voter specific information on such things as completing the Federal Post Card Application (FPCA) and Federal Write-In Absentee Ballot (FWAB), and laws surrounding absentee voting, to ensure all parties are aware of their right to vote and have the tools and resources to do so. Simultaneously, FVAP has updated online training for VAOs and election officials to ensure awareness of their role and that they are prepared to assist Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters.

We realize the cycle time to request and return an absentee ballot may serve as a hindrance to voting absentee successfully. The Department, with the Military Postal Service Agency (MPSA) as the lead agency, is coordinating with the Department of State and the United States Postal Service (USPS) to modernize military mail delivery. Military PARS will redirect undeliverable-as-addressed election materials to military and diplomatic addresses in the same manner as civilian mail. This will occur at the first processing point stateside — rather than at a distant, overseas processing center. Military PARS is on track for the scheduled completion date in October 2014, and will be fully established in preparation for the 2016 election cycle.

We are also working closely with State and local election officials to ensure they understand the requirements of UOCAVA by offering online and in-person training. During 2013, the Department awarded research grants to examine improvements to the election process for military and overseas voters by providing assistance to develop online blank ballot delivery tools and to establish a single point of contact in State election offices. The concept of the single point of contact was recommended by Congress in the Help America Vote Act. Since 2002, that recommendation has been adopted by one state only, Maine. Thanks to the Department's research grants, Arizona and Maryland will implement a single address statewide for UOCAVA voters this year, and we look forward to the findings at the conclusion of our grant program.

These activities illustrate the continuous work at FVAP, and the proposals in the SENTRI bill embrace the notion of change and offer some real benefits to UOCAVA voters. The

remainder of this statement focuses on the Department's position on how SENTRI, as written, would affect these Uniformed Service members.

Title I: Amendments Related to the Uniformed and Overseas Citizens Absentee Voting Act

The amendments to UOCAVA in Title I include many of the proposed changes that the Administration has submitted to Congress, most recently as part of the Department's 2014 National Defense Authorization Act submission.¹ Those proposals, submitted in coordination with the Department of Justice, would greatly benefit military and overseas voters, and we continue to support enactment of these changes.

Title II: Provision of Voter Assistance to Members of the Armed Forces

The Department agrees with the intent of Title II of the SENTRI Bill; however, we would like to work with the Committee to clarify some of the technical requirements to make certain we are successful in meeting the intent of the Bill.

Section 201 (a)(1) amendments to 10 U.S.C. Sec. 1566b (a)(2)(C)(ii)(II) requires electronic transmission of a completed FPCA by the Department to "the appropriate State or local election officials." While this can be completed, the Department is wary of its usefulness and unintended consequences based on the proposed language in regard to the electronic transmission of the completed FPCA.

Almost every State requires a physical, hand-written signature on the FPCA, and the automated nature of the process described in this section does not appear to anticipate the need for a voter to print and scan the completed form to return it electronically. States are responsible for establishing acceptable requirements for return of the FPCA, and thus each State may have slightly different rules. For example, if the voter sends an electronic copy, digitally signed using his or her Common Access Card (CAC), to a State that requires a hardcopy, physical signature the ballot request may be rejected. States frequently use the hardcopy signatures to ensure the voter's identity by comparing the signatures on the FPCA and the voted ballot. Replacing a hardcopy signature with an electronic signature removes this checkpoint. Additionally, information acquired when using the user's CAC to pull address information from internal Department systems may not reflect the address used for voting purposes by the Service member.

Removing the requirement above for electronic transmission of the completed FPCA would remedy the Department's issue with this section. Should the committee remove this electronic transmission requirement, the costs associated with prepopulating forms to assist voters would be relatively low and would recognize the role of the States to field their own systems and offer electronic voter registration.

Title II of the SENTRI Bill also requires the development of an integrated alert for members of the military to receive assistance with updating their address information any time they submit an address change to the Department's personnel systems. FVAP is currently developing just such a tool to offer the very same level of service to Service members each time they process an address-changing event online. Each time a voter initiates an address change within this system, known as milConnect, the system will provide reminder information and a

¹ For reference, see *Third Package of Legislative Proposals Sent to Congress for Inclusion in the National Defense Authorization Act for Fiscal Year 2014 (Sent to Congress on May 15, 2013)*, "UOCAVA Amendments.pdf," available at <http://www.dod.mil/dodge/olc/legispro14.html>

link for submitting a new Federal Post Card Application with their local election official. This update is on track for its scheduled completion in summer 2014.

Title III: Electronic Voting Systems

Title III of the SENTRI bill removes the existing requirement for FVAP to conduct an electronic voting demonstration project, often referred to as the internet voting project. At this time, the Department raises no objection to the repeal of this project as State election officials are ultimately responsible for the security of elections.

Conclusion

Chairman Schumer, members of the Committee, thank you for the opportunity to share the Department's view on the SENTRI Act. FVAP, and the Department, look forward to continuing to provide the best possible assistance to our Service members, their families and overseas citizens. I look forward to your questions.



Matt Boehmer
Director
Federal Voting Assistance Program

*Office of the Under Secretary of Defense
 Personnel and Readiness*

Mr. Matt Boehmer is the Director of the Federal Voting Assistance Program. He served as the Acting Director of FVAP from January 14, 2013, until his selection as permanent Director in November 2013. FVAP is a component of the Defense Human Resources Activity (DHRA). In his capacity as the Director, Mr. Boehmer administers the Federal responsibilities of the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* for the Secretary of Defense, who is the Presidential designee. The Act covers the voting rights of Uniformed Services personnel, their eligible family members and all U.S. citizens residing outside the United States.



Mr. Boehmer brings more than 10 years of experience in program and fiscal management, as well as, marketing communications and outreach from his tenure as the Director of the Joint Advertising Market Research and Studies (JAMRS) office. JAMRS enables DoD Leadership and the Services to make informed research-based recruiting decisions eliminate unnecessary redundancies across the recruiting communities and conduct focused outreach efforts that are distinct from, yet integral to, those of the Services in order to preserve and enhance the All-Volunteer Force.

Mr. Boehmer began working for the Federal government in December 1991, when he joined the Department's Outstanding Scholarship Program after receiving a Bachelor of Science degree in Psychology from The University of Mary Washington. He has spent his 21-year career working for the Office of the Under Secretary of Defense for Personnel and Readiness, initially at the Defense Manpower Data Center (DMDC) and currently at the DHRA.

Mr. Boehmer graduated from the 1999 Executive Leadership Development Program, received the Joint Meritorious Unit Award in 1999, and in 2007 received the Medal for Exceptional Civilian Service from the Office of Secretary of Defense.

Testimony of Kevin J. Kennedy
Director and General Counsel
Wisconsin Government Accountability Board

United States Senate Committee on Rules and Administration
January 29, 2014

**SENTRI Act: Wisconsin's Experience
Serving Military and Overseas Voters**

Chairman Schumer, Ranking Committee Member Roberts and Committee Members:

Thank you for the opportunity to provide information to the Senate Committee on Rules and Administration about the SENTRI Act. It is an honor to be here. This is a subject the state and local election officials in Wisconsin take very seriously. Please allow me to provide a brief background on the organizational structure of elections in Wisconsin along with a description of our approach to military and overseas voter services. I will also provide some general recommendations based on our experience in Wisconsin.

Introduction

I have served as Wisconsin's non-partisan chief election official for more than 30 years. I am also a member of the National Association of State Election Directors (NASED). I served as NASED President in 2006 and currently serve on the NASED executive committee.

I am currently appointed by and report to a non-partisan, citizen board of six former circuit court and appellate judges who comprise Wisconsin's Government Accountability Board. The Board oversees the state's elections, campaign finance, ethics and lobbying laws.

The Board has general supervisory authority over the conduct of elections in the State of Wisconsin. The Board has delegated to me its compliance review authority over Wisconsin's 1,924 local election officials and their staffs. This means any complaint alleging an election official has acted contrary to law or abused the discretion vested in that official must be filed with the Government Accountability Board before it may proceed in court. I have the authority to order local election officials to conform their conduct to law.

The Board has developed comprehensive training programs for local election officials. The Board is also required to certify the chief election inspector, the individual in charge of each of the state's 2,822 polling places. The Board is required to emphasize the integrity and importance of the vote of each citizen in its training programs. Wis. Stat. §5.05 (7)

Wisconsin's elections are administered at the municipal level in our 1,852 towns, villages and cities. The municipal clerk, an elected or appointed non-partisan public official, is responsible for processing all absentee ballots, including those for Wisconsin's uniformed services and overseas voters.

The State of Wisconsin has been a leader in reaching out to voters in our uniformed services, overseas electors and voters with disabilities. Military voters are not required to register in order to vote. Wis. Stat. §6.22 (3). As early as 2000, our Legislature authorized electronic delivery of absentee ballots. 1999 Wisconsin Act 182. Wisconsin accepts and counts absentee ballots postmarked by Election Day if they are received by 4 p.m. on the Friday following Election Day. Wisconsin is one of several states that developed an electronic ballot delivery system for its uniformed services and overseas (UOCAVA) voters. Our *My Vote Wisconsin* tool was put in place for the 2012 election cycle. <https://myvote.wi.gov/> *My Vote Wisconsin* provides valuable information for all Wisconsin voters, but it is designed to provide special services for military and overseas voters.

In 2012, Wisconsin clerks issued just under 10,000 UOCAVA ballots. While this is a very small percentage of the total number of Wisconsin voters participating in the 2012 general election (.31%), our state and local election officials made extraordinary efforts to ensure UOCAVA ballots were sent 47 days before the election as required by state law. In the case of UOCAVA applications received later than 48 days before the election, ballots were sent within 24 hours of receipt of the application, up to and including Election Day as provided by Wisconsin law. Wis. Stat §6.86 (1)(b).

The SENTRI Act – Safeguarding Elections for our Nation's Troops through Reforms and Improvements

The SENTRI Act makes a number of reforms and improvements to safeguard elections for uniformed services and overseas voters. These reforms and improvements include:

- Increased data collection and reporting by state election officials;
- Specific deadlines for transmitting UOCAVA ballots;
- Remedies for late transmission of ballots;
- Permitting a UOCAVA voter to request an absentee ballot for all federal elections beginning with the year of the general election and any federal elections in the subsequent year;
- Requiring review by the Comptroller General of the reports related to UOCAVA voting prepared by the Department of Defense;
- Requiring the Department of Defense to develop a comprehensive voter assistance program for uniformed services voters including an electronic database to assist military voters in registering to vote, requesting an absentee ballot and updating voter information;
- Extending the guarantee of residency for voting purposes to all dependents of absent military personnel.

The spirit behind these reforms and improvements is commendable and has the support of state election officials. However, implementation of some aspects of these reforms and improvements, while not insurmountable, could be problematic.

Data Collection

The timeframes for collecting and reporting data present challenges, especially around the deadline for transmitting ballots 46 days before Election Day. If a federal election is held on a Tuesday, as is the norm, Day 46 is always a Friday. This means local election officials are scrambling to get the UOCAVA ballot requests fulfilled before the mail goes out. The next two days are not business days, yet state officials must collect and compile data from local election officials and submit a report on the Monday following the transmission deadline. This is particularly challenging for a state where the municipal election officials are responsible for fulfilling UOCAVA absentee ballot requests.

Wisconsin experienced this problem in 2012. A handful of our 1,852 municipalities failed to transmit a small number of UOCAVA ballots before the April Presidential primary. As part of an agreement with the U.S. Department of Justice (U.S. DoJ), Wisconsin collected extensive data similar to what is required by the SENTRI Act for the partisan primary and general election and provided detailed reports to U.S. DoJ. The Wisconsin Government Accountability Board (G.A.B.) devoted almost 2,000 staff hours fulfilling this requirement. Because of the efforts of the G.A.B. and local election officials, all of the late ballots were received before Election Day.

The SENTRI Act provides for express delivery of ballots that are not transmitted by the deadline. This can still be effectively implemented if the State reporting deadline is moved to five or seven days after the 46-day deadline. This is particularly true when the UOCAVA voter has requested to receive the ballot electronically. The required information would still be captured, but the report would also contain a description that the late ballots were sent by electronic transmission or express mail.

The States could also benefit from funding that would enable them to augment their HAVA-required statewide voter registration systems to more easily collect this data from local election officials. Wisconsin has developed a data collection portal that enables our 1,852 municipal clerks to enter election administration data required to comply with state and federal post-election reporting requirements. We hope to enhance this tool to address this pre-election reporting requirement.

Our goal has been to make it as easy as possible for local clerks to complete the reporting requirement so that they can maximize their time spent serving voters, as can we at the State level. Policies that reduce transit time (electronic ballot delivery and/or return) and those that give UOCAVA voters the opportunity to request their ballot earlier, rather than placing additional mandatory reporting requirements on the overwhelming majority of election officials who are already in full compliance with the law, may improve the likelihood that voters will receive and return their ballots in time.

The Department of Defense through its Federal Voting Assistance Program (FVAP) has worked with the U.S. Elections Assistance Commission (U.S. EAC) to coordinate the collection of post-election voting data related to UOCAVA electors required by federal law. It would be good to dovetail the States' 90-day post-election reporting requirement with the U.S. EAC's deadline. This also works well with the new biennial report deadline of June 30 for the Department of Defense.

Role of the Department of Defense

Through acts of Congress such as HAVA and the MOVE Act, States have made great strides in improving the delivery of ballots to uniformed services and overseas voters. Much of this has been done through the allocation of federal resources to improve the election administration infrastructure at the state level. States have more time and resources to ensure timely transmission of UOCAVA ballots. The Department of Defense is uniquely positioned to provide more robust assistance to military voters.

The SENTRI Act provides direction to ensure the mission and role of the Department of Defense to assist uniformed services voters is strengthened. Adding a layer of oversight by the Comptroller General provides an objective outside evaluation of the efforts of the Department of Defense.

Technology has served states well as state election officials seek to improve services for all voters, including uniformed services and overseas voters. Our *My Vote Wisconsin* website is one of many state-level examples. The SENTRI Act requires the Department of Defense to develop a comprehensive online system and electronic database integrated with the existing systems of the military departments to facilitate the requirement to provide enhanced voter assistance. This could prove to be a sword that cuts both ways, improving assistance to uniformed services voters while creating a mishmash of online voter assistance tools that do not relate well to each other.

Not only does each military department have an existing online tool to provide a myriad of services to uniformed services personnel, but the states and territories along with civilian organizations such as the Overseas Vote Foundation also have already developed online tools to assist uniformed services and overseas voters. On behalf of state election directors, I encourage the Department of Defense to carefully evaluate the development of this online service to integrate not only with existing military departments, but also with state and civilian online voter services. Significant investments at the state level in online voter tools may be diminished if the addition of Department of Defense tools does more to create voter confusion than to assist military voters.

Congress also needs to be mindful of the privacy rights of uniformed services personnel when developing a tool that tracks voter participation of military voters. We ask a lot of the Department of Defense to support our uniformed services personnel and the SENTRI Act reinforces Congress' commitment to ensure military voters have the best opportunity to participate in the electoral process. It is equally important to safeguard the confidence

of uniformed services personnel in the outreach and assistance provided by the Department of Defense.

Other Provisions of the SENTRI Act

The SENTRI Act provides that a UOCAVA voter may with a single request ensure that absentee ballots will be sent for all federal elections beginning with the year of the general election and through any federal elections in the subsequent year. This appears to be a compromise from the change in the MOVE Act requiring UOCAVA voters to make a separate request for each election. Prior to the MOVE Act, Wisconsin required local election officials to honor military requests for three full election cycles and overseas absentee requests for two full election cycles. This led to a bloated roster of UOCAVA voters, resulting in a large number of undeliverable ballots at each federal election.

The exemptions for UOCAVA voters who change their registration or whose ballots are undeliverable provide some relief from a return to outdated UOCAVA voter lists. Similarly, the required Department of Defense electronic database should assist state and local election officials with keeping UOCAVA lists current. However, this will still result in a list of UOCAVA voters that is not current. The MOVE Act recognized the responsibility of the voter to keep the application current.

The SENTRI Act provision extending the guarantee of residency for voting purposes to all family members of military personnel will improve access to voting for all uniformed services UOCAVA voters.

Conclusion

Elections are the cornerstone of our democracy. A citizen's right to vote is one of our enduring principles. Our uniformed services and overseas voters make extreme sacrifices to protect that right for us. They deserve the commitment and effort of all public officials to enable them to fully participate in the electoral process.

Thank you for the opportunity to share my thoughts with you. I would be happy to answer any questions Committee Members may have.

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KEVIN J. KENNEDY
Director and General Counsel

Kevin J. Kennedy

Kevin J. Kennedy is Director and General Counsel for the Wisconsin Government Accountability Board, a position he has held since November 2007. Before assuming the top staff position for the Board, he was Executive Director – and before that Legal Counsel – for the Wisconsin State Elections Board. Kevin has served as the Chief Election Official for Wisconsin since August, 1983.

Kennedy was in private practice before joining the Elections Board in 1979, and prior to that served as an assistant district attorney in Washington County, Wisconsin. He graduated from the University of Wisconsin-Madison Law School in 1976, and received his Bachelor of Arts degree in Mathematics and Communication Arts from the University of Wisconsin-Madison, College of Letters and Science in 1974.

Kennedy is a member of the National Association of State Election Directors (NASED) and served as NASED President in 2006. He also served as co-chair of the National Task Force on Election Reform established by the Election Center, a non-profit organization dedicated to training and educational opportunities for state and local election officials. Kennedy is a Certified Elections and Registration Administrator (CERA), having completed the professional certification program (2003) and along with continuing recertification (2006, 2009, 2012). He is also a member of the Council on Governmental Ethics Laws (COGEL) and has served on the organization's Steering Committee. In December 2008, he received the COGEL Distinguished Service Award.

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“Improving the Registration, Absentee Request and Voting Process for the UOCAVA Voter.”

Mr. Chairman and Members of the Committee, thank you for the opportunity to testify today on the SENTRI Act, which continues the improvements to the military voting process under the MOVE Act. **The recent release of the report from the Presidential Commission on Election Administration (“The Commission” hereafter) noted the continued difficulties of UOCAVA voters in registering to vote, receiving their ballots in a timely manner, and returning their ballots to election officials in time to be counted.** Similarly, the SENTRI Act recognizes that military voters have lower registration and participation rates and much lower rates of absentee ballots that are successfully returned and counted. The rate of successful return of absentee ballots for overseas military voters’ remains in the high 60%’s while the successful return of domestic absentee ballots is closer to 98% of ballots.

Last week in a hearing on military voting in the Virginia legislature, a former spouse of an overseas civilian employee explained why it is so important to solve this problem. She described how it felt to be overseas citizen with her husband representing her government in a place far away from her country. She described how there was a sense of patriotism and duty that motivated her to serve in a remote and dangerous region on behalf of her country. Because of this heightened sense of duty, she felt a real need to vote because she believed it also fulfilled her duty as a citizen. When she was unable to exercise that right to vote due to a delay in the postal service, it was a blow to that sense of duty, that somehow she failed. Many who have served or deployed overseas relate to her story. Because overseas citizens and military members often represent the US Government while serving in these remote areas, we have a duty to find new ways to improve an imperfect process and give them every opportunity to successfully vote.

The Commission noted the difficult situation of UOCAVA voters continue to find themselves and the disproportionate impact of failing to accommodate these voters with processes that allow them to fully participate in the voting process. The sponsors of the SENTRI Act have shown focus and foresight as they carefully reviewed the data available from the States after 2012 to determine where the MOVE Act is succeeding and where it needs to be amended. As a result of their independent findings, the Commission specifically called for more accuracy in voter registration data, that registration materials be available on websites and recommended the use of electronic means for UOCAVA voters to register or update their addresses online. While the language of the SENTRI Act was drafted well before the Commission report, the legislation reflects many of the bipartisan recommendations made on how to improve the registration and absentee ballot request process for military and overseas citizens.

The Commission specifically called for online mechanisms for UOCAVA voters to easily and quickly update their address or registration status. The SENTRI Act requires annual voter assistance and updates of registration data by the military member with online tools. DOD will use technology and website interaction with its military members to facilitate the update of registration information at the same time that members would normally update their information due to deployments, overseas duty or change of duty station or some other change in status. Based on my military experience, there are more than a dozen different forms that must be updated online each year, not only before deployment or a new duty station but for training purposes or it is a new calendar or fiscal year. Therefore, this process should fit nicely into existing procedures for updating of materials.

The Commission noted in its report that military and overseas voters represent the population most likely to benefit from the increased use of the Internet in the registration process. The members of the Department of Defense (DOD) are a highly mobile population of voters and because of this mobility, inaccurate addresses and information lead to significant delays in ballots reaching the military or result in undeliverable ballots where the ballots never reach the voter. The SENTRI Act would provide online mechanisms to maintain accurate voter registration information on UOCAVA voters for the benefit of all state and local election officials across the country. As a state election official and former member of the military, this proposal would dramatically increase the ability of election officials to maintain the most up-to-date information on absent and overseas military voters. Lastly, my experience with electronic registration in Virginia shows how this online process can be secure with verification of identity and will improve the overall integrity of the registration process and voter rolls. A system that allows for the annual update of registration information will reduce the high potential for registration error, out of date address information, and the unnecessary delay that exists with traditional paper based systems. The online system would provide cities and counties significant monetary savings and produce a more satisfied UOCAVA population. FVAP surveys consistently show that due to challenges with time and distance, overseas and remote voters are tied to the Internet as their life-line for registration and voting purposes.

The Commission specifically recommended the data exchange of voter registration information between states. This type of data from other states allows state and local election officials to maintain the voter rolls more accurately by keeping up with a mobile population. Similarly, any DOD system that provides a consistent and reliable flow of updated registration address data from military voters would dramatically increase the accuracy of the registration data at the state level.

The Commission noted that compliance with UOCAVA and the MOVE Act for military and overseas voters continues to be inconsistent or inadequate, and enforcement must be strengthened. The SENTRI Act provides special rules in the case of failure of state or local election officials to transmit their ballots on time. Despite good faith efforts, the record indicates there have been failures in this area by a number of jurisdictions in 2010 and 2012. State election officials often do not have the authority in law to require local election officials to report the successful transmission of absentee ballots and are not aware of mailing failures. As time goes by, jurisdictions have become more consistent in meeting these important deadlines and working with state officials. However, these failures have resulted in great deal of litigation against states and resulted in dozens of consent decrees and memorandums of agreement that then require federal oversight for a number of years.

The SENTRI Act may actually resolve the recent litigious past of the MOVE Act. Because the law would require jurisdictions to automatically send ballots by express delivery if they fail to meet the initial 45 day mailing deadline for any reason. The proposed law would reduce the amount of lawsuits by immediately providing a built-in remedy for the benefit of the voter. Federal law would prioritize the express transmittal of the ballot to the voter over waiting for post-election litigation to determine the extent of the failure and appropriate judicial relief. In most cases, local and state jurisdictions already pay the extra money to send ballots by express delivery due to human mistakes or logistical challenges that sometimes result in ballots being sent late. The bottom line is the SENTRI Act will codify what election officials instinctively do when errors occur and is a reasonable remedy that the DOJ routinely requests in litigation.

Lastly, the SENTRI Act requires a biennial report on the effectiveness of activities of the Federal Voting Assistance Program (FVAP). Much of the SENTRI Act is based on the facts and statistical evidence that we have from the 2012 election, post MOVE Act. The Commission recommendations are based on much of the same data. The continued collection of election data both at the Election Assistance Commission and FVAP is important to identify the continued effectiveness of voting assistance, the proper use of technology and what areas the Congress and the states may need to address in the future.

The SENTRI Act is a bipartisan piece of legislation in which the election community has been consulted on a number of occasions. The authors of the legislation have responded to the input of state and local election officials and other stakeholders involved with the electoral process. Many of the sections of this bill are aligned with the major bipartisan recommendations of the Commission. In my estimation, the use of technology, data-sharing, and other common sense reforms will allow UOCAVA voters to more efficiently register and

request absentee ballots, improve the accuracy and integrity of UOCAVA registration data, and generally improve election administration in the United States.

Thank you for the opportunity to testify on this important issue.

Donald L. Palmer
Secretary, Virginia State Board of Elections

Donald Palmer currently serves as the Secretary of the Virginia Board of Elections. Appointed in 2011, he is chief election official of the Commonwealth of Virginia and the head of the state agency charged with implementation and uniformity of state and federal election law. Previous to his current position, he served as the Director of Elections with the Florida Department of State during the successful 2008 and 2010 election cycles. Since 2009, he has served on Election Assistance Commission (EAC) advisory boards, including the Standards Board Executive Board and the Technical Guidelines Development Committee (TGDC) representing the National Association of State Election Directors (NASD) and the Commonwealth of Virginia.

Prior to his tenure in Florida, he served as a trial attorney with the Department of Justice, Civil Rights Division where he enforced the federal voting laws and provided guidance to states on compliance with the federal voting laws. In that position, he enforced the voting rights of Americans under the Voting Rights Act (VRA), the Help America Vote Act (HAVA) and the National Voter Registration Act (NVRA). He also monitored compliance of the states with the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA). Prior to his entry into the arena of voting law and election administration, he served in the U.S. Navy as an Intelligence Officer and as a Judge Advocate General deployed overseas onboard the USS John F. Kennedy and with tours of duty in Florida, Italy, and Washington D.C.

Statement of Senator John Cornyn (Texas)
Before the
Senate Committee on Rules and Administration
Hearing on
SENTRI Act (S.1728): Improving Voter Registration and
Voting Opportunities for Military and Overseas Voters
January 29, 2014

I want to thank Chairman Schumer and Ranking Member Roberts for holding this important hearing this morning. Both Senator Schumer and Senator Roberts, the most senior Marine in the Congress, are tireless supporters of our men and women in uniform and their families.

The 2012 election made clear that there are still too many barriers to military service members and their families voting and having their votes counted, and that we must do more to protect their voting rights. In the weeks prior to the November 2012 election, I heard from numerous military service members from Texas and their families, both overseas and stateside, because they were having trouble voting. They reached out for help because Election Day 2012 was rapidly approaching, and they still had not received their absentee ballots. I heard from the grandmother of one Texas Marine who was serving in Afghanistan and the father of another, because both deployed Marines were still missing their ballots. I heard from the mother of an Airman from Texas who was in the middle of moving from one Air Force base to another and did not know where his ballot was going to be sent and whether it would reach him in time. These examples are typical of the hurdles our military voters face every election cycle.

These Americans make tremendous sacrifices in the defense of our nation, but those sacrifices should not include giving up their right to participate in our democratic process. Without

question, it remains much more difficult today for military service members and their families to exercise their right to vote than it is for their civilian counterparts. Most problems experienced by military voters stem from their being gone from their home voting jurisdictions on Election Day, which is a direct result of their federal military service. While it may never be as easy to vote for service members who are away from home as it is for civilians who can go to their local polling place, we owe military voters our best efforts to remove as many obstacles as possible. To that end, this past November, Senator Schumer and I introduced the Safeguarding Elections for our Nation's Troops through Reforms and Improvements Act (the SENTRI Act). I want to thank Senator Schumer and his staff for working with me on this important bipartisan reform bill.

Congress has already removed some major hurdles that hampered military voters in the past, most recently in 2009 by enacting a number of important reforms through the Military and Overseas Voter Empowerment Act (the MOVE Act), championed by Senators Schumer and Chambliss. I was proud to support the MOVE Act and to author two parts of it. The 2012 election was the first presidential election since the MOVE Act, and post-election analysis by the Election Assistance Commission (EAC) shows that this law improved various aspects of the process, including reducing the number of marked ballots that were rejected by election officials. However, the EAC data also reveal that large numbers of military and overseas voters continue to experience problems. For example, of all the blank absentee ballots that were sent out to military and overseas voters in 2012, more than 30 percent never made it back to local election officials to be counted. This suggests that many of those ballots never reached the intended voters, likely due to outdated voter registrations or ballot delivery problems. So, the MOVE Act made a difference, but clearly there is still room for improvement.

The area perhaps most demanding of our attention is military voter assistance. The significant drop in absentee ballot requests in 2012 points to the need for the Department of

Defense (DoD) to enhance its military voter assistance programs to put them more on par with "motor voter"-style assistance programs that benefit civilians stateside. Blank absentee ballots have a significantly better chance of reaching registered military voters at the correct mailing address if these service members are able to keep their voter registrations current, which can be challenging because of the transient nature of military service. In the MOVE Act, we attempted to address this problem by creating a voter assistance office on every military installation, but the program was never fully implemented by DoD. So, the SENTRI Act would require DoD to offer military voters an affirmative, annual, online opportunity to fill out a voter registration and absentee ballot request form. Helping military voters to keep their voter registrations current would also aid local governments in reducing waste and inefficiency by preventing blank ballots from being sent to outdated addresses.

The SENTRI Act includes several provisions to strengthen the enforcement of laws that protect military voting rights. It also relieves DoD of an unfulfilled 2002 mandate to put in place an Internet voting system. Lastly, the SENTRI Act extends to voting-age military children the guarantee of state residency for voting purposes, which Congress provided to military spouses in 2010, to allow these children to have the same state of residency as the military service member, so long as they qualify as dependents.

The SENTRI Act is aimed at fixing the system's most glaring deficiencies, which continue to inhibit our service members' ability to vote, and I hope the Committee will consider it favorably. However, there is no one-size-fits-all solution for the various problems faced by military voters, and I am hopeful that members of this Committee will offer additional ideas for preventing further disenfranchisement of our military voters. I look forward to working with the Committee to achieve that objective. Thank you, Mr. Chairman.

Senator Richard J. Durbin
Hearing on Improving Voter Registration and Voting Opportunities for Military and Overseas Voters
U.S. Senate Committee on Rules and Administration
January 29, 2014

I would like to thank Chairman Schumer for holding this important hearing. The opportunity to vote is one of the most important rights we have as American citizens. In fact, voting is “the right preservative of all other rights.” Our access to the ballot box is so important that the Constitution has been amended six times to expand and protect the right to vote, more than any other issue. These six Constitutional Amendments—the fifteenth, seventeenth, nineteenth, twenty-third, twenty-fourth, and twenty-sixth—ratified over the course of 100 years underscore our nation’s commitment to ensuring that all adult citizens enjoy free and full access to the ballot.

As chairman of the Senate Judiciary Subcommittee on the Constitution, Civil Rights, and Human Rights, I have held a series of hearings on voting rights. From those hearings, one thing is abundantly clear: protecting the right of every citizen to vote is not a Democratic or Republican value, it is an American value. That’s why it’s so very important to ensure that members of the military, their families, and all American citizens overseas can vote without unnecessary burdens or delays. We should do everything we can to clear any barriers to the ballot faced by the brave Americans who fight for our country and protect our democracy.

The Safeguarding Elections for our Nation’s Troops through Reforms and Improvements (SENTRI) Act is an important step forward in that direction. The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and the Military and Overseas Voter Empowerment Act (MOVE) Act removed some of the most difficult obstacles military and overseas voters faced. The SENTRI Act will build upon that progress and help improve the ability of our soldiers and overseas citizens to participate in elections.

I believe more members of the military would exercise their right to vote if they faced fewer obstacles in doing so. First, the SENTRI Act would require the Department of Defense (DOD) to implement an online system that service members can use to register to vote, update voter registration information, and request absentee ballots. This system would also remind service members who have recently moved to update their registration and mailing address. Notably, this bill would also require DOD to provide voter assistance as a routine part of each service member’s annual training. These concrete steps would simplify the process for members of our Armed Services to vote, regardless of where they are stationed.

Second, the SENTRI Act streamlines the process for requesting absentee ballots. Instead of sending in an official form every time there is an election for a federal office held in a state, this bill would allow a person to send just one form to receive absentee ballots for each of those elections during a general election cycle.

Finally, this bill would strengthen reporting requirements so that the Department of Justice can determine whether military and overseas voters are receiving absentee ballots in a

timely manner. The SENTRI Act would also track the efficacy of DOD voter assistance programs and the new online system for voter assistance via a biennial report following the conclusion of each normal federal election cycle.

I want to thank Senator Cornyn and Chairman Schumer for their work on this bill. I look forward to the discussion today, as we work to ensuring that members of the Armed Forces, their families, and all overseas citizens have simple and straightforward access to the ballot box.

20 November 2013



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The Honorable John Cornyn
United States Senate
517 Hart Senate Office Building
Washington, DC 20510-4305

Dear Senator Cornyn:

On behalf the quarter of a million members of AMVETS (American Veterans), a leader since 1944 in preserving the freedoms secured by America's armed forces and providing support for Veterans, Active Duty military, the National Guard/Reserves their families and survivors, we heartily offer our support for S. 1728, the Safeguarding Elections for our Nation's Troops through Reforms and Improvements Act (SENTRI Act).

Military and overseas civilian voters, typically absent from their home voting jurisdiction on Election Day, often face obstacles to exercising their right to vote. Congress has taken action to remove some of the biggest hurdles that hampered military and overseas voters, passing the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") in 1986 and the Military and Overseas Voter Empowerment Act ("MOVE" Act) as part of the FY10 NDAA. Problems remain, however, with large numbers of military and overseas voters continuing to experience problems with absentee voting caused, at least in part, by outdated voter registration or ballot delivery problems. The SENTRI Act is intended to address these problems and strengthen protection of voting rights of military and overseas voters.

This much needed legislation:

- improves voter registration and voting opportunities for service members through use of online systems which allow individuals to register to vote, update their voter registration information, request absentee ballots, get automatic voter-specific notifications and by requiring voter assistance as a routine part of a service members annual training;
- ensures requests for absentee ballots are valid for one full federal election cycle;
- strengthens protection of voting rights of military and overseas voters; and
- requires reporting on implementation and effectiveness of new voter assistance obligations.

Members of our Armed Forces and their family members must be afforded every opportunity to vote, regardless of their assigned geographic location. We are confident that the SENTRI Act's protections and reforms will help ensure that ballots cast by service members are delivered to the appropriate state election officials in a timely manner. AMVETS thanks you for introducing this important piece of legislation and for all you do in support of American Veterans.

Sincerely,

AMVETS National Legislative Director
301-683-4016/dzumatto@amvets.org



22 November 2013

The Honorable John Cornyn (TX)
 United States Senate
 517 Hart Senate Office Building
 Washington, D.C. 20510

The Honorable Charles Schumer (NY)
 United States Senate
 322 Hart Senate Office Building
 Washington, D.C. 20510

Dear Senator Cornyn and Senator Schumer,

On behalf of the Association of the United States Navy (AUSN), we applaud and support your bill S. 1728, the Safeguarding Elections for our Nation's Troops through Reforms and Improvements (SENTRI) Act, which would amend the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) to improve ballot accessibility to uniformed services voters and overseas voters.

Our nation's men and women in uniform make sacrifices every day to preserve our democracy and the cherished right to vote that goes with it. It is alarming; however, that many of our servicemembers face challenges when it comes to voting as a result of frequent relocation and often having to vote from remote locations. It is unacceptable that servicemembers and their families face such challenges trying to exercise their right to vote, a right that is enshrined in our Constitution which our servicemembers fight to defend.

S. 1728 would help ensure our servicemembers receive their ballots and are able to vote on time. The SENTRI Act strengthens existing military voting rights by clarifying residency requirements of servicemembers and their families so that these individuals can cast ballots even if they are outside of their State of residency for extended periods of time. The bill also ensures that absentee ballot requests are valid for one full election cycle and establishes more accountability for counting votes of servicemembers and their families. Finally, the bill also maintains reporting requirements for overseas voting assistance programs and provides more opportunities for servicemembers, spouses, and dependents to participate in elections by allowing online registration and ballot casting for overseas voters.

Thank you for taking an active role in such an important issue to the military community by introducing legislation that would help ensure our overseas servicemembers and families are able to cast their ballot in elections as well as register to vote. Please feel free to contact me with any questions or concerns at 703-548-5800.

Sincerely,

Anthony A. Wallis
 Legislative Director, AUSN



January 29, 2014

Dear Senate Rules Committee Member:

We are writing to you today to express support for *Safeguarding Elections for our Nation's Troops through Reforms and Improvements (SENTRI) Act*, S. 1728, bipartisan legislation that was introduced by Senators Cornyn and Schumer on November 19, 2013.

Common Cause is a nonpartisan, nonprofit organization that is dedicated to restoring the core values of American democracy, reinventing an open, honest and accountable government that serves the public interest, and empowering ordinary people to make their voices heard in the political process. Common Cause has over 400,000 supporters across the country and 35 state chapters advancing reforms and holding power accountable. We share Senators Cornyn and Schumer's commitment to guard with special care the voting rights of military voters, and this legislation enhances the Military and Overseas Voter Empowerment (MOVE) Act of 2009 to ease the burden our service men and women face in exercising their right to vote.

The MOVE Act did much to facilitate the voting process for military and overseas voters but opportunities for improvement remain. The SENTRI Act addresses these areas and will further ease and improve access to the ballot box for military voters.

Since the MOVE Act has been implemented, the Department of Defense (DoD), the Obama administration, the U.S. Election Assistance Commission, military groups, and other stakeholder organizations have collected and studied military and overseas voter participation data from federal elections in the last three years and made recommendation for improving the voting process. The SENTRI Act incorporates recommendations from all of these sources to further improve voting access for military and overseas voters.

The SENTRI Act:

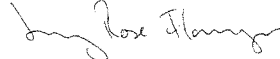
- **Improves voter registration and ballot access opportunities for military and overseas voters through online systems.** Under the MOVE Act, DoD designated offices in military installations where soldiers and their families could seek voter assistance. The SENTRI Act improves voter assistance opportunities by requiring DoD to implement a complementary online system through which service members can register to vote, update their voter registration information, request an absentee ballot, pre-populate the official postcard form used to request absentee ballots, and get automatic notification regarding the need to update their voter registration or absentee mailing address after a change of address. The bill also requires DoD to offer voter assistance as a routine part of each service member's annual training.
- **Clarifies that requests for absentee ballots should remain valid for a full federal election cycle.** Military and overseas voters may use the official postcard form prescribed

under UOCAVA to request an absentee ballot. The SENTRI Act clarifies that the official postcard form may be used to request an absentee ballot for each election for Federal office held in a State through the next regularly scheduled general election for Federal office. Due to concerns about the expense of continuing to send ballots that never reach intended voters, the bill provides exceptions to the one full election cycle rule, including where a ballot is returned as undeliverable by mail or, in the case of a ballot delivered electronically, if the email is rejected.

- **Strengthens protections of voting rights for military and overseas voters.** Voter registration and absentee ballot procedures established under the MOVE Act should result in timely transmittal of blank ballots to military and overseas voters. This has not always been the case in recent Federal elections. The SENTRI Act would require states to submit a pre-election report to DoJ and DoD on the status of blank absentee ballot transmissions to military and overseas voters not later than 43 days before a Federal election. Information from the states on the number of ballot requests received and ballots transmitted would enable DoJ to determine whether enforcement actions are needed to obtain timely remedies for military and overseas voters. In addition, states that fail to timely transmit requested absentee ballots would be required to transmit such ballots by express delivery.
- **Protects civilian overseas voters from undue rejection of their absentee ballot requests.** The SENTRI Act extends to overseas civilian voters a MOVE Act provision that precludes states from rejecting absentee ballot requests from military voters that are received early (i.e., in the same calendar year as the federal election, but prior to the state-designated start date for ballot requests). The inclusion of overseas civilian voters in this provision is consistent with other provisions of the MOVE Act.
- **Requires reporting on implementation and effectiveness of voter assistance obligations.** To measure the effectiveness of DoD's voter assistance programs, as well as progress implementing the new online system for voter assistance, the SENTRI Act requires a biennial report to coincide with the Federal general election cycle. The report will be subject to independent GAO review assessing the effectiveness of DoD's voting assistance programs.

Our brave men and women who serve our country in uniform must have every opportunity to cast a valid ballot and participate in our democracy. Additionally our overseas civilian voters should not lose their voting rights due to temporary relocation. We strongly support these measures to ease and improve the voting process for military and overseas voters and are privileged to express our support for the SENTRI Act, S. 1728.

Sincerely,



Jenny Flanagan
Vice President for State Operations
Director of Voting and Elections
Common Cause



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"The Servicemember's Voice in Government" Established 1968

November 20, 2013

The Honorable John Cornyn
United States Senate
Washington, D.C. 20510

Dear Senator Cornyn:

On behalf of the more than 150,000 members and supporters of the National Association for Uniformed Services, I write to offer our support of the Safeguarding Elections for our Nation's Troops through Reforms and Improvements Act (SENTRI Act).

NAUS supports the SENTRI Act as an important step to improve a voting system that is too often frustrating to our troops seeking a voice in the electoral process. As a nation, it is our responsibility to do everything possible to protect the right to vote for those who put their lives on the line to protect the freedom of all Americans.

NAUS urges passage of this bipartisan bill quickly so that elections officials have time to prepare for the coming election cycle. We are confident that the protections and reforms of the SENTRI Act will help ensure that ballots cast by service members are delivered to the appropriate State election officials in a timely manner. Surely, these brave men and women have earned the protections offered in the SENTRI Act.

Sincerely,

A handwritten signature in black ink that reads "Rick Jones".

RICHARD A. JONES
Legislative Director

U.S. Senate Rules Committee

Hearing on the SENTRI Act (S.1728), "Improving Voter Registration and Voting Opportunities for Military and Overseas Voters Act."

Statement for Record by
Verified Voting

January 29, 2014

Thank you Chairman Schumer, Ranking Member Roberts for the opportunity to provide a statement for the record concerning S. 1728, "Improving Voter Registration and Voting Opportunities for Military and Overseas Voters Act."

Verified Voting is a non-partisan, nonprofit organization founded and governed by expert technologists in the U.S. working to safeguard elections in the digital age since 2004. The organization is the nation's leading advocate for secure, reliable and accessible voting systems and election administration practices. Verified Voting recently released the seminal study: *"Counting Votes 2012: A State by State Look at Voting Technology Preparedness."*

As you may know, like the National Institute of Standards and Technology (NIST), the Federal Voting Assistance Program (FVAP) at the U.S. Department of Defense, does not advocate for the electronic return of voted ballots for the military because of the security risks. FVAP considers postal mail return the most responsible method of voting for military voters. Verified Voting also supports these positions by NIST and the U.S. Department of Defense. Verified Voting is very encouraged to hear about the efforts being undertaken to improve military postal mail. We support recommendations about the need for military mail to be able to connect with U.S postal mail.

We are especially encouraged to hear that Senator Roy Blunt (R- MO) and Senator John Cornyn (R-TX) have succeeded in convincing the U.S. Department of Defense to buy the same equipment for the military mail that the U.S. Postal Service has for everyone else in the US, and that the DOD has agreed to do that. Because of this action, we agree with Senator Blunt that for military that didn't receive their ballots in time, "by next election cycle that problem should be minimized."

We applaud the testimony by Mr. Kevin Kennedy, Director and General Counsel of the Wisconsin Government Accountability Board, that out of 10,000 ballots they had sent, only four missed the deadline. It appears he is referring to four that didn't get to the voter 45 days out, not that didn't come back timely, but either way, that's an excellent record and demonstrates a commendably diligent effort.

Mr. Don Palmer, Secretary of the Virginia Board of Elections, points to 30 states allowing return by email or fax as an indication that the postal service has problems getting them back. His comment does not acknowledge expedited return of voted ballots authorized by the Military and Overseas Voter Empowerment Act (MOVE). It also doesn't indicate at what point those ballots were requested; if not until late in the early voting process for UOCAVA voters, then getting them back is more challenging. That's why MOVE mandated the 45-day window. The comments do not acknowledge the significant cybersecurity risks inherent in the return of electronic ballots. States

likely did not know about those risks when they decided in favor of that option, and many did so before MOVE was passed.

It is also notable that in the Election Administration survey conducted by U.S. Election Assistance Commission (EAC) for 2012, we've found no explanation for why Virginia failed to accept for counting a number of the ballots that were submitted. They cite a smaller percentage for lateness, but the larger portion (approximately 60 percent) were not accepted for "other" reasons which are unexplained. Other states did substantially better on accepting submitted ballots for counting, including other states that do not do conduct the electronic return of voted ballots.

Verified Voting believes that more research is needed to understand why more than 30 percent of ballots sent to the military in 2012 never made it back. It is possible, as Senator Cornyn suggests, that "many of those ballots never reached intended voters," but without data we cannot know. We look forward to continued improvements in getting blank ballots to voters both through electronic transmittal per the MOVE Act and through upcoming improvements in the postal services that are now under development.

Finally, we applaud Mr. Matt Boehmer, Director, U.S. Department of Defense, Federal Voting Assistance Program for this statement:

"Title III of the SENTRI bill removes the existing requirement for FVAP to conduct an electronic voting demonstration project, often referred to as the Internet voting project. At this time, the Department raises no objection to the repeal of this project as State election officials are ultimately responsible for the security of elections."

Thank you for the opportunity to submit our comment for the record.

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**Senator Amy Klobuchar
U.S. Senate Committee on Rules and Administration
Full Committee Hearing
“Improving Voter Registration and Voting Opportunities
for Military and Overseas Voters”
January 29, 2014
Questions for the Record**

Mr. Palmer

State Experiences

- Are there any unique features of your state’s voting procedures that benefit military voters and could serve as a model for other states?

Virginia, home to 21 military installations, over 88,000 residents serving in the Armed Forces and over 100,000 military dependents, has several unique programs benefiting military voters, to commend to other states:

Continuous improvement of voting technology: Virginia continues to improve and expand the online voter portal launched in 2013 to enable online application for registration and updates to registration information. Military voters can use this system to apply to register to vote and update their registration records. Virginia hopes to expand the portal features to include the Federal Post Card Application (FPCA), state applications for absentee ballots, sending absentee ballots

and returning them securely (legislation pending). Virginia has been developing and analyzing mobile voting solutions for all military voters including those with severe combat injuries. For example, the State Board of Elections partnered with the Virginia Department of Military Affairs to study the feasibility of mobile voting technology at Virginia-based military units and local veteran hospitals. In 2012, Virginia received a grant of \$1.8 million dollars from the Department of Defense to further develop ballot delivery efficiencies in alignment with the federal MOVE Act.

Dedicated staff position: Virginia employs a full time absentee expert available extended hours to provide personalized expert attention to resolve problems on an expedited basis. The coordinator maintains key dates and deadlines of interest to military voters on the state election website. The coordinator also works with local election officials to ensure the timely processing of registration applications and absentee voting requests for military voters and their families. Service personnel and voting assistance officers often need personal help to navigate increasingly complex voting laws and technology. Virginia's absentee expert frequently receives calls on an urgent basis from deployed military that would not otherwise be able to vote without her help locating the correct form and procedure for the voter's particular situation.

Support legislative and regulatory initiatives: Virginia has an active workgroup of state and local absentee experts to

recommend and support legislation such as Virginia's 2012 enactment of the Military and Overseas Voters Act (UMOVA) and the State Board of Elections passed a regulation in 2011 to allow electronic registration for absent military and overseas voters using the Federal Post Card Application (FPCA) by fax or email (scanned attachment).

Statewide outreach to military voters: for several months before statewide general elections, Virginia conducts a "Boots and Ballots" campaign in partnership with the Heroes Vote Initiative to provide voter education resources on new voting tools available to Virginia's military installations throughout the state. Boots and Ballots provides information to Voting Assistance Officers (VAOs) and service members at each Virginia installation or military base to help facilitate voting preparedness for military members and dependents. State and local election officials partner with the VAOs to disseminate information on upcoming elections, Virginia's new online application to register and update registration information, and how to request an absentee ballot in the event the member is absent or deployed overseas.

Partner with FVAP: To maximize the scope and effectiveness of its outreach, SBE staff maintains a close working relationship with staff at the Federal Voting Assistance Plan (FVAP). Joint efforts include website enhancements, forms and a roundtable with Virginia local election administrators in Yorktown last May.

State of Wisconsin \ Government Accountability Board

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JUDGE THOMAS H. BARLAND
 Chairperson

KEVIN J. KENNEDY
 Director and General Counsel

DATE: February 13, 2014

TO: U.S. Senate Committee on Rules and Administration

FROM: Kevin J. Kennedy
 Director and General Counsel
 Wisconsin Government Accountability Board

SUBJECT: Response to Question for the Record

Following the full committee hearing on January 29, 2014 about "Improving Voter Registration and Voting Opportunities for Military and Overseas Voters" we received the following question for the record: *Are there any unique features of your state's voting procedures that benefit military voters and could serve as a model for other states?* Senator Amy Klobuchar requested the question for the record. This memo provides our response to the question.

In Wisconsin, military voters are not required to register, but must provide some basic information to ensure they receive the correct ballot. Military and permanently overseas voters can access their ballot online, and then mail the ballot with a signed certification to their municipal clerk. This capability can significantly reduce ballot transit time, and thus help these voters return their ballot in time to be counted.

The definition of military voters in Wisconsin statute includes dependents, and those dependents have the same rights and opportunities regarding voting as members of the military. Permanently overseas voters are defined in Wisconsin Statute as those who no longer reside or have never resided in the United States, and have no intent to return to the United States. These voters must have last resided in Wisconsin before leaving the United States, or their parent/guardian last resided in Wisconsin before leaving the United States if they were born overseas. Wisconsin does not consider voters who are temporarily overseas to be overseas voters.

Wisconsin statute also goes beyond the requirements of the MOVE Act and requires that ballots for federal elections are available at least 47 days prior to the election. Ballots for non-federal elections must be available at least 21 days prior to the election. Military voters can vote for all contests on the ballot, regardless of whether or not they are currently residing in Wisconsin. Permanently overseas voters may only vote in federal contests.

Our agency also has a current and a retired member of the military on staff who are personally familiar with the issues and concerns of military voters. We also communicate frequently with the Wisconsin Department of Military Affairs to coordinate information sharing and voter outreach.

**Senator Amy Klobuchar
U.S. Senate Committee on Rules and Administration
Full Committee Hearing
“Improving Voter Registration and Voting Opportunities
for Military and Overseas Voters”
January 29, 2014
Questions for the Record**

Question for Mr. Boehmer

Online Voter Registration

A recently released report from the Presidential Commission on Election Administration recommends wider adoption of online voter registration systems. A number of states already have these in place and more are likely to follow in the coming years.

- How will your office work with individual states to ensure that their systems are compatible with the Defense Department’s Federal Voting Assistance Program?

RESPONSE:

To address the compatibility issue, the Federal Voting Assistance Program (FVAP) links directly into State online registration systems, when available. When voters access the online assistant at FVAP.gov, they are first given the option to go to their State system. If there is no State system available, the voter is then directed to FVAP’s online assistant to complete the Federal Post Card Application to print, sign and send to the local election official.

QUESTIONS FOR THE RECORD

U.S. Senator Patty Murray
Senate Committee on Rules and Administration
January 29, 2014, 10:00am EST

*"SENTRI Act, Improving Voter Registration and Voting Opportunities for
Military and Overseas Voters"*

Questions for Mr. Boehmer

Question 1: This is an incredibly important topic for this Committee to examine. I believe that voting is fundamental to our democracy, and it is Congress's responsibility to periodically re-examine our voting laws and update them to meet the changing needs of our democracy. For the past 10 years, we have had large number of servicemembers and government employees who are stationed and living overseas. And, this has presented new challenges to make sure every American has the opportunity to vote.

I'm proud that my home state of Washington has been a leader in developing innovative strategies to improve voter access, increase voter participation, and safeguard the privacy of servicemembers and others Americans living overseas. But I know this is not the case in every state. And, this highlights the need for our national voting laws.

As I mentioned, Washington state does a great job of identifying servicemembers and enrolling them as absentee voters. They also provide a simple way of registering online, and receiving and returning their ballot online. How can the Department Defense do a better job of integrating electronic military technology services, with those online tools already available to servicemembers and overseas voters?

RESPONSE:

The Federal Voting Assistance Program (FVAP) links directly into all State online registration systems that are available. When voters access the online assistant at FVAP.gov, they are first given the option to go to their State system. If there is no State system available, the voter is then directed to FVAP's online assistant to complete the Federal Post Card Application to print, sign and send to the local election official.

In addition, FVAP supports States in their efforts to research new technology through the Effective Absentee Systems for Elections research grant program, to include such areas as evaluating the effect that innovative technologies have on the ballot return rate for military and overseas voters. As State systems become available, FVAP will provide voters with access to those systems.

Question 2: In your written testimony, you indicated that the Department of Defense is already working to implement a tool that is required by SENTRI—an integrated alert for member of the military to receive assistance with updating their address information any time they submit an address change to the Department's personnel systems. Please provide me a detailed timeline of the implementation of this program. Are there any other aspects of the bill that the Department is already working to implement? If so, please describe them and provide a timeline for implementation.

RESPONSE:

In 2013 the Federal Voting Assistance Program (FVAP) began developing a tool to prompt proactive address change messages to Service members each time they process an address-changing event online. Every time a voter initiates an address change within this system, known as milConnect, the system will provide reminder information and a link to FVAP.gov to complete a new Federal Post Card Application for submission to their local election official. The timeline for milConnect is:

- April – Define requirements
- May/June – Develop and test
- July/August – Deploy

Additionally, the Defense Manpower Data Center (DMDC) will provide FVAP with email addresses of Service members that have moved or updated their address, and FVAP will send an email reminding them to update their information with their local election official. The first batch of emails will be sent the first week of April.

There are no other aspects of SENTRI that the Department is already working to implement.

Question 3: As you indicated in testimony, the Department has developed several tools under the Federal Voting Assistance Program designed to make sure Voting

Assistance Officers have the materials and training required to help their colleagues vote. Can you tell me what efforts the Department has taken to evaluate the efficacy of those materials? Do you receive regular feedback from Voting Assistance Officers on these materials and training? Do they contribute to the training program development?

RESPONSE:

Ensuring that Voting Assistance Officers (VAOs) understand their responsibilities in carrying out the law and State-specific rules and deadlines is critical to voter success. As such, the Federal Voting Assistance Program (FVAP) provides in-person training for VAOs at military installations and embassies worldwide. The training provides the VAOs the information they need in order to assist Uniformed and Overseas Citizens Absentee Voting Act voters.

So far this year, FVAP has conducted in-person training for more than 1,500 VAOs worldwide. One way of measuring the efficacy of these training sessions is via VAO pre- and post-training self-assessments. During post-training evaluations the VAOs were asked to rate themselves on how knowledgeable they were in regard to completing their responsibilities. The sliding scale goes from 1 (unknowledgeable) to 5 (very knowledgeable). The average self-assessment rating went from 2.4 before the training, to 4.6 after the training, showing a drastic improvement in competency and confidence. When asked how prepared VAOs felt to complete their voting assistance duties following the training, the average response was 4.4.

To help ensure accurate training program development and deployment, FVAP regularly engages the Senior Service Voting Representatives and Service Voting Action Officers via conference calls and email for input.

Though the training sessions are consistently rated positively through VAO self-assessments, FVAP is continuing to evaluate the training provided to the Services and the Department of State by working with a Federally Funded Research and Development Center.

Senator Pat Roberts
U.S. Senate Committee on Rules and Administration
Full Committee Hearing
“Improving Voter Registration and Voting Opportunities
for Military and Overseas Voters”
January 29, 2014
Questions for the Record – Matt Boehmer

Question 1:

The President’s Commission on Election Administration report describes the inconsistencies in the services voters receive from Installation Voting Assistance Officers. These officers are tasked with helping service members register to vote, yet the Commission found, “In some instances, the Commission heard, these difficulties may arise from discomfort of some members of the military about getting involved with anything ‘political.’ In other instances, similar to the plight of election officials in dealing with local governments, voting assistance may simply be considered a lower priority than the many other critical responsibilities of unit commanders. Whatever the cause, the law requiring voting assistance for military voters is clear and must be enforced.” (PCEA Report p. 15-16)

What is your reaction to this Commission finding? Do you agree with it? Have you had problems with a military culture that doesn’t regard this as a priority? How do you plan to overcome it?

Answer:

The Department plans to reach out to the Commissioners on this and other topics to clarify the Recommendations and Best Practices highlighted in their report. The Department’s primary purpose in the election process is providing assistance to military and overseas voters and facilitating communication with their local election official. An individual’s decision of whether or not to cast a vote in a particular election is a personal choice.

As evidenced by the plethora of voting assistance provided by the Services and the Federal Voting Assistance Program, the importance of providing a reliable avenue to register, request, receive and return a ballot in a timely manner is taken very seriously by the Department, the Services and the Military Postal Service Agency.

The Department will continue to provide and improve upon the tools and resources necessary for Military members, their families and overseas citizens to successfully vote absentee from anywhere in the world.

Question 2:

The MOVE Act required voting assistance offices to be established at every military installation (other than those in a warzone). The Defense Department's Inspector General issued a report in August 2012 that revealed they were unable to contact half of the installation voting assistance offices listed on the FVAP website. This indicates the law is not being complied with but rather than make suggestions for improved compliance, the IG recommended that we change the law to get rid of the requirement and make it discretionary.

Does FVAP support this recommendation? Please describe your views on the utility of the existing requirement and the Defense Department's efforts to comply with the law in this regard.

Answer:

The April 2013 DoD IG report following the 2012 election confirmed the Services were compliant with their voting assistance activities, to include Installation Voter Assistance (IVA) Office requirement.

The August 2012 DoD IG report had used an outdated contact list, and after failing to make contact via telephone, concluded that 50 percent of the IVA offices weren't established. The Federal Voting Assistance Program (FVAP) addressed the outdated information and conducted weekly outreach to IVA Offices to ensure information stayed current. FVAP continues to reach out to the IVA Offices to validate their contact information.

FVAP supports the Inspector General's recommendation in their August 2012 report that the mandatory IVA Office requirement be changed to one that is discretionary to the Secretary of the Military Departments with the intent that the Services optimize voting assistance to military personnel and other overseas citizens.

FVAP agrees with providing flexibility for the Service to make the determination as to whether the IVA Offices should play a role in their installation voting assistance programs. IVA Offices are only one of many tools that UOCAVA voters have available to them including the FVAP.gov online assistants, the FVAP call center, informational handouts and Voting Assistance Officers at the installation and unit level, to name a few.

Question 3:

The SENTRI bill would require establishment of new online systems at DoD to help facilitate registration and ballot delivery.

Is a change in federal law needed for FVAP to develop this system? Does FVAP intend to develop online systems along the lines of those required by SENTRI (S. 1728 – Section 201) now or will it await the passage of the legislation? If FVAP intends to develop the system now, what elements would it share with the system required by SENTRI, and how would it differ?

Answer:

No change in law is needed for the Federal Voting Assistance Program (FVAP) to develop an online training system that will link to FVAP.gov to facilitate completion of registration forms and provide information on ballot delivery. At present, FVAP does not have plans to develop online systems as required by S. 1728, sec. 201. However, if the legislation passes as written, FVAP will comply with the law and develop the online training system as required by legislation.