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**FEDERAL VOTING ASSISTANCE PROGRAM**

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HEARING

BEFORE THE

SUBCOMMITTEE ON MILITARY PERSONNEL

OF THE

COMMITTEE ON ARMED SERVICES  
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

SECOND SESSION

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HEARING HELD  
SEPTEMBER 13, 2012



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## FEDERAL VOTING ASSISTANCE PROGRAM

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HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
SUBCOMMITTEE ON MILITARY PERSONNEL,  
*Washington, DC, Thursday, September 13, 2012.*

The subcommittee met, pursuant to call, at 11:31 a.m., in room 2212, Rayburn House Office Building, Hon. Joe Wilson (chairman of the subcommittee) presiding.

### **OPENING STATEMENT OF HON. JOE WILSON, A REPRESENTATIVE FROM SOUTH CAROLINA, CHAIRMAN, SUBCOMMITTEE ON MILITARY PERSONNEL**

Mr. WILSON. Ladies and gentlemen, good morning. Welcome to a hearing of the Military Personnel Subcommittee of the House Armed Services Committee.

Today this subcommittee meets to hear testimony from the Department of Defense to help us understand how members of the Armed Forces and their families, along with U.S. civilians living and working outside of the United States, are afforded the opportunity to exercise their right to vote.

I want to welcome our witnesses and I look forward to their testimony.

Voting is a fundamental and essential part of the democratic process. It is both our right and our duty as citizens of a democracy to set the direction of the Nation by selecting the individuals who will represent us at each level of government.

This responsibility remains with us regardless of where we choose to live and work or, as in the case of our service members, where they are sent to defend our freedoms.

For many years, Congress has been concerned about military and overseas voters who have told us about the difficulties they face when they try to cast their ballots.

Registering to vote, receiving a ballot by mail and returning the ballot by mail in time for the vote to count in an election when the voter is not physically located in the United States is challenging at best.

One can only imagine the difficulty trying to accomplish that same process when the voter is at a remote outpost in Afghanistan, fighting a war.

Yet, these are the very individuals who, through their military service, protect our right to vote.

Congress has worked hard over the last several years to ensure that the men and women assigned overseas on behalf of our country do not lose their ability to vote as a result of their service.

A number of Federal laws have been enacted to enable the military and U.S. citizens abroad to vote in Federal elections. Most recently Congress enacted the Military and Overseas Voter Empowerment Act, the MOVE Act, as part of the National Defense Authorization Act for the fiscal year 2010.

The MOVE Act required the Department of Defense to make several changes to the Federal Voting Assistance Program to improve the process by which the military absentee ballots are cast.

However, the most recent report by the Department of Defense Inspector General on the Department of Defense's implementation of the requirements of the MOVE Act finds that the military services are falling short in establishing installation voting assistance offices.

I look forward to hearing from our Department of Defense witness on how the Department will fully implement the legislative improvements that are intended to assist military and overseas voters.

I am also interested to know how the changes to the Federal Voting Assistance Program have affected the military and overseas voter in the lead up to the 2012 general election.

I will close by saying that every day our troops lay their lives on the line to defend freedom and it is our job that we make sure that they are not denied the right to vote.

Before I introduce our panel, let me offer Congresswoman Susan Davis of California, the ranking member, an opportunity to make her opening remarks.

[The prepared statement of Mr. Wilson can be found in the Appendix on page 25.]

**STATEMENT OF HON. SUSAN A. DAVIS, A REPRESENTATIVE FROM CALIFORNIA, RANKING MEMBER, SUBCOMMITTEE ON MILITARY PERSONNEL**

Mrs. DAVIS. Thank you, Mr. Chairman.

And I certainly look forward to hearing from our witnesses, Ambassador Kenneth Moorefield, Deputy Inspector General for Special Plans and Operations and Ms. Pamela Mitchell, the Acting Director of the Federal Voting Assistance Program. Thank you for being with us.

The Federal Voting Assistance Program has been given the lead in carrying out the responsibilities of the Department of Defense to inform and to educate Americans worldwide of their right to vote, to foster voter participation and protect the integrity and enhance the electoral process for overseas voters at every level of government, from the local to the Federal level.

Many new voter assistance requirements were included in the National Defense Authorization Act for fiscal year 2010, Public Law 111-84, such as requiring the development of online portals, to provide voter registration procedures and notifications, and establishment of voting assistance offices and the development of standards for reporting requirements.

I am very interested this morning in hearing from our witnesses on how implementation is going, what we have learned and whether additional programs or processes have been identified to further improve voting assistance and participation.

While the recent Inspector General report found that over half of the offices that are required to be established on military installations were unable to be contacted, the report did not address whether the offices that were established are effective in meeting the needs of military and overseas voters.

What efforts, if any, is the Department taking to measure the effectiveness of these offices and the services that are being provided? The Inspector General recommended that alternative methods to reach out to military voters, especially since such a majority of them are young, single individuals who may not necessarily have a propensity to vote, especially overseas, be adopted.

If such efforts are undertaken then what efforts will be established to measure the effectiveness of these alternative methods, whether part of social media, how do we go ahead and measure that as well?

As resources continue to be reduced, we need to ensure that the programs that are established to assist military and overseas voters are efficient; not only efficient but that they are also cost effective.

I look forward to hearing from our witnesses. The upcoming elections, as we all know, are a mere 7 weeks ahead. So it is imperative that we ensure that all Americans have the ability to vote in our electoral process, but especially those who are on the front lines of defending our Nation.

Thank you, Mr. Chairman.

[The prepared statement of Mrs. Davis can be found in the Appendix on page 27.]

Mr. WILSON. Thank you, Mrs. Davis.

We are joined today by an outstanding panel. We would like to give each witness the opportunity to present his or her testimony and each member an opportunity to question the witnesses.

I would respectfully remind the witnesses that we desire that you summarize to the greatest extent possible the highlights of your written testimony. I assure you that your written comments and statements will be made part of the hearing record.

At this time, without objection, I ask unanimous consent that an additional statement from VerifiedVoting.org be included in this record of the hearing.

[The information referred to can be found in the Appendix on page 59.]

Mr. WILSON. Without objection, so ordered.

Let me welcome our panel: Ambassador Kenneth Moorefield, Deputy Inspector General for Plans and Operations of the Department of Defense. Additionally, we have Ms. Pamela S. Mitchell, who is the Acting Director of the Federal Voting Assistance Program, Defense Human Resources Activity.

At this time we will begin with Ambassador Moorefield.

**STATEMENT OF AMB. (RET.) KENNETH MOOREFIELD, DEPUTY INSPECTOR GENERAL FOR SPECIAL PLANS AND OPERATIONS, U.S. DEPARTMENT OF DEFENSE**

Mr. MOOREFIELD. Thank you, Mr. Chairman. Good morning and also Ranking Member Davis and distinguished members of the Subcommittee on Military Personnel, thank you for this oppor-

tunity to discuss past and ongoing DOD IG [Department of Defense Inspector General] oversight regarding the DOD implementation of voter assistance programs.

We share your commitment to ensuring that U.S. military service members worldwide and other eligible overseas citizens have the opportunity to exercise their democratic rights as American citizens to vote.

The law requires the Army, Navy, Air Force, and Marine Corps IGs to annually review their own Services' voting assistance programs and report results to the DOD IG

Since 2001 the DOD IG has issued 11 reports describing the results of these annual reviews. Our latest report, issued in March 2012, is discussed in our written testimony.

In 2009, the Military and Overseas Voter Empowerment Act, or MOVE Act, was passed. It established various programs to help military and other overseas citizen voters to register and to vote.

The MOVE Act required the military services to have an installation voting assistance office on every installation worldwide, with the exception of those in a war zone.

The use of Federal Write-In Absentee Ballots for Federal elections was to be expanded. DOD, through its FVAP [Federal Voting Assistance Program] office, was intended to implement a number of new electronic voting support programs and systems.

The FVAP office also had to report to the Congress annually on their assessment of compliance with voting assistance laws and the effectiveness of voting assistance programs, including programs implemented by each of the military services.

In August 2012, the DOD IG released a self-initiated report assessing key obligations and actions carried out by DOD and FVAP under the MOVE Act.

We specifically focused on the establishment of voting assistance offices on every military installation worldwide and the sufficiency of survey data used to assess DOD's Voting Assistance Program effectiveness related to the 2010 elections.

DOD implementing instructions for the establishment of the IVAOs [Installation Voting Assistance Offices] required robust walk-in offices; the DOD estimated would be staffed with one to two full-time personnel to perform the required voting assistance functions.

To determine if the Services had established a robust IVAO presence on all installations worldwide, we examined FVAP's official list of installations as of March 2012.

We immediately noted that the list was in some instances either inaccurate or incomplete, with installations such as Fort Meade, Maryland; Camp Casey, Korea, and the U.S. Army garrison in Kaiserslautern in Germany not listed and other bases listed that no longer existed.

It became apparent that installation consolidations or closures resulting from the 2005 BRAC [Base Closure and Realignment] program, such as the consolidation of the 12 multiservice joint bases, in part had contributed to omissions and duplications.

To test the accessibility of the IVAOs, we placed ourselves in the shoes of potential military voters seeking help. Using the official



FVAP Web site information as of March 2012, we attempted to contact each of the 229 IVAOs listed.

It turned out that not all of the FVAP contact information was current. We initially called the IVAO phone number. If no one answered, we left a voicemail asking for a return call and if there was an e-mail address, followed up with an e-mail.

If we could not make contact on our initial attempt, we called installation telephone operators or accessed installation Web sites to obtain updated IVAO contact information.

Ultimately, in about 50 percent of the cases we were unable to contact IVAOs using our updated version of the FVAP Web site installation list and concluded that the offices either did not exist or were not reasonably accessible.

In partial explanation, some senior military officials pointed out that the law had not provided additional funding, which FVAP estimated at \$15 million to \$20 million per year, necessary to fund at least one assistance person at each IVAO and bases, moreover, were not funded internally by DOD to enable commanders to meet this obligation.

On another issue, the FVAP 2010 post-election survey report to Congress, dated September 2011, asserted that voting assistance was effective in the 2010 election because, one, DOD statistical analysis indicated military populations registered and voted at higher rates than civilians and, two, that military participation had improved appreciably between 2006 and 2010.

To determine if these conclusions were reliable and accurately reflected the effectiveness of DOD voting assistance programs, DOD IG's Quantitative Methods Division assessed their survey methodology.

They noted that only 15 percent of military personnel contacted had responded to the survey and that FVAP's conclusions in the reports could be considered inconclusive and would have been more credible with a higher response rate.

We recommended that the FVAP office design a survey that will increase the 2012 post-election survey response rate.

Finally, I should add that during our assessment we observed that the FVAP had made significant efforts to develop and implement a military voter communications plan.

This was intended, we believe, in part, and primarily perhaps even, to get to younger voting personnel. And it used information technology of various—of various kinds, including social media, direct e-mail notifications and Web-based systems.

FVAP officials indicated that these initiatives were having a positive impact. For example, they noted that as they began their outreach and communication program for the 2012 primaries, activity on their Web-based systems significantly increased.

Feedback from the military services incorporated in our March 2012 report to Congress indicated that they too were increasing use of targeted advertising, social media, and other easy to use online tools to more effectively reach younger service members.

In closing this morning, let me emphasize that the DOD IG remains committed to providing oversight of DOD's role in the Federal voting assistance programs.

I look forward to answering any questions that you may have and I thank you.

[The prepared statement of Mr. Moorefield can be found in the Appendix on page 28.]

Mr. WILSON. Thank you, Ambassador.

We now proceed to Ms. Pamela S. Mitchell.

**STATEMENT OF PAMELA S. MITCHELL, ACTING DIRECTOR,  
FEDERAL VOTING ASSISTANCE PROGRAM, U.S. DEPARTMENT OF DEFENSE**

Ms. MITCHELL. Chairman Wilson, Ranking Member Davis, and distinguished members of the subcommittee, thank you for the opportunity to discuss the Federal Voting Assistance Program, or FVAP, and its implementation of the MOVE Act.

For absentee service member and overseas citizen voters, as for all U.S. citizens, the decision to cast a vote in an election is a personal choice.

To that end, the Federal Voting Assistance Program is committed to two primary tenets: promoting awareness of upcoming elections, with a specific focus on the right of service members and overseas citizens to vote by absentee ballot; and to eliminating barriers for those who choose to exercise their right to vote.

We provide voting assistance every day, and we have never done it better. Voters seeking assistance will find a myriad of resources available, including a professional call center, well-trained voting assistance officers, and an information-rich Web portal at fvap.gov.

This year we conducted in-person and online installation voter assistance, or IVA, office training worldwide, and we visited 43 IVA offices to provide training and assistance.

We also provide Webinar training and a self-paced course for both IVA office staff and unit voting assistance officers that is on demand.

As noted, the Department of Defense Inspector General recently identified problems in contacting IVA offices. And as the Ambassador said, they found outdated contact information.

However, IVA offices are open. As we review contact information, we find that it changes, as it often does in military environments, because of transfers, deployments, and other requirements.

FVAP has authority and budget resources to provide policy guidance and assistance to the Services. Such guidance is outlined in the Department of Defense Instruction 1000.04, which defines the responsibilities of the Federal Voting Assistance Program. It consolidates and enhances Department policy by outlining specific requirements for the military service voting assistance programs. Publication of this instruction is the culmination of a meticulous Department process.

It is important to note that while IVA offices are one resource, they are one of many. We also provide an online wizard that produces a completed registration and ballot request. We send service members at least six reminder messages addressing voter registration. We have conducted train-the-trainer workshops at 81 locations worldwide.

As the Ambassador noted, we are conducting a comprehensive communications and outreach campaign, and we established a call

center that provides support by phone, by e-mail, and by online chat.

In addition to our efforts, the Services are also actively engaged to increase awareness of the election and service members' right to vote.

Looking at this in another way, there were over 8 million visits to the FVAP Web site since November 2011 and over 380,000 individuals have downloaded the Federal postcard application during that time.

To put the amount of those downloads in perspective, 380,000 is nearly the size of the United States Air Force.

We also dispatch 1.4 million e-mails five times since January, with at least two more transmissions of 1.4 million to be sent before the election.

And, as of 30 June, the Services reported that their installation and unit voting assistance officers had helped over 550,000.

It is also important to note that State laws and voting procedures drive absentee voting success or failure. That is why FVAP has worked with States to improve their election laws. Thirty-two States have passed laws benefiting absentee voters since the 2010 general election.

Registration rates alone are poor indicators of the effectiveness of voting assistance. The information, tools, and other resources are in place, the outreach is ongoing, and we continuously look for ways to improve the Department's ability, both to promote awareness of every service member's right to vote and of the upcoming elections.

Voting assistance has never been better, given the breadth of tools, information, and other resources now available.

I spent over 25 years in uniform, and I wish I had access to the tools that are out there today. However, even if only one absentee service member or overseas citizen has a problem, we believe it is one too many, and there is no question that we still have work to do.

Thank you and I look forward to your questions.

[The prepared statement of Ms. Mitchell can be found in the Appendix on page 39.]

Mr. WILSON. Thank you both for your presentations, and we will now proceed to questions from each member of the subcommittee. We are very fortunate to be joined by Ms. Jeanette James. She is professional staff, a person above any standard of consideration. And she will be maintaining the 5-minute rule. And so we can count on her.

As we begin, I want to thank the Inspector General for your report. I think you brought very important issues to the attention of the American people.

Additionally, I want to also commend the Military Voter Protection Project and the AMVETS [American Veterans] legal clinic at Chapman University. They have been very thorough in their review of how the legislation that we are discussing today and the ability of voters to participate. It is a very thorough review, and I appreciate their oversight.

Ms. Mitchell, the Military and Overseas Voter Empowerment Act provides that voting assistance be offered to troops as they arrive

at a new duty station, and also when they deploy. Does each of our four Services include voting assistance offices for in-processing checklists at duty stations, and also on the list for pre-deployment processing?

And I was glad to hear of your military service. I join you. I served 31 years in the Army Guard and Reserve. I am very grateful to have four sons currently serving in the military. But I have also been an election commissioner, and it is very frustrating to me to see how complicated some of this has become, according to the IG report.

So is the in-processing list, the deployment checklist, is this in place?

Ms. MITCHELL. Sir, DOD policy does specify that service members be afforded the opportunity to register to vote during in-processing, out-processing, and deployments.

I cannot speak to the specifics of how that may be handled by each Service on every installation.

Mr. WILSON. And I am particularly concerned—it has been identified that in the offices that have been established, that of the 229, that it has been by the Inspector General report—and, Ambassador, I appreciate you bringing this information out. That, in fact, that only 114 of the 229 that could there be access and contact.

And so your report was very revealing, but at the same time you indicate that maybe we don't need that many offices.

And so I would be interested in hearing why we don't need that many offices. And, additionally, what do you propose to make and improve voter participation and access.

Mr. MOOREFIELD. Thank you, Mr. Chairman.

First off, let me emphasize that compliance with the law has no alternative, and the law is very specific about the requirements.

There is a certain doubt, I think, in the part of some of our military commanders as to what qualifies as an installation, and that is understandable. In some cases installations today are covering three or four outlying bases. There is a considerable distance between some of these installation voting offices and bases that they support.

It would appear to us that a careful review is probably necessary to determine where we actually have these offices, how they are functioning, and what their capabilities are to support any and all installations and bases they may be responsible for.

Obviously, the size of the bases varies; the size of installation voting office coverage varies. So that, you know, remains to be seen as to what is appropriate given the size of the responsibilities and the extent of the responsibilities of IVAOs.

There was another part to your question—

Mr. WILSON. And that is, what do you propose to increase participation and access?

Mr. MOOREFIELD. Well, I truly believe, as I also was a former military officer and would have been very grateful, you know, for the kind of access that I think military officers have today, particularly younger ones that are well schooled in the use of IT [information technology] and various social media mechanisms.

I think and I believe, and even though there is no metric yet that can confirm that other than ex post facto after elections—but I be-

lieve that can be determined whether or not that is demonstrating and indicating that it is making a difference. So I think that is important.

For the immediate election, the question is—and I think this has been brought up by several members of the Senate—how a Federal voting application postcard could be made available on an expedited basis to individual military voters who want to vote and do not decline, in other words, the offer.

There is a way to get to them. We have got unit voting officers all over the world, as was pointed out by Ms. Mitchell, and I think that it is certainly feasible to ensure that those that want to vote get their application. So that is one of the considerations I think needs to be considered for serious and fairly urgent implementation.

Mr. WILSON. Thank you very much.

And we proceed to Mrs. Davis.

Mrs. DAVIS. Thank you, Mr. Chairman.

And I appreciate you all being here.

Could you go a little bit further in discussing about the assessments that were conducted? You mentioned that over half of them, you couldn't actually talk to somebody there, I guess, they didn't have a response. And yet they were—I think you said, Ms. Mitchell, that they were compliant. So I am trying to understand whether—you know, is that just a disconnect—that they didn't respond and that you still could get information from them? If you could, answer that for me.

And also, to what extent did you actually have an opportunity to really assess how significant their operation was and what kind of a difference that made in terms of the men and women that were using those services? What more do we know about that? You mentioned social media, and of course it feels as if that is probably one of the best ways to reach people who want to vote in that fashion.

And are the offices necessary, important? What role do they play? Is that something that really is being utilized to the extent that it could be or should be? And are there alternatives that actually you would suggest might need to be developed in a much more robust fashion?

And I guess, Ms. Mitchell, just to answer in terms of the compliance, how do we know that they are complying if only half of them were contacted?

Mr. MOOREFIELD. Would you like me to go first, ma'am?

Mrs. DAVIS. As long as we get both of you, that would be great. Thank you.

Mr. MOOREFIELD. Thank you. In terms of how measure the effectiveness of IVAOs, one of the ways you can do that, of course, is the incidence of contact that is made with them by potential military voters and what services they specifically provide.

To the best of my knowledge right now, the incidence of use is not what was expected. What are the reasons for that? You asked how far we went and how far we could go. We had a questionnaire of 50 different points that we raised with any office we could make contact with, including how they were functioning, what degree of activity they had, and so forth.

So we tried to go the extra mile, given that we couldn't go to 229 installations and eyes-on determine what exactly they were doing. So I think that in terms of your question as to whether or not they are necessary, it is still perhaps early stage.

Perhaps some IVAOs are not fully developed or established. I can't definitively determine that because we just couldn't make contact with half of them. That didn't mean they didn't exist, you know, and maybe that they were fully functional. We can't confirm that one way or the other.

But I do, as I mentioned to the chairman before, believe that in the world, particularly a huge voting population percentagewise of younger voters in the military overseas, that their tendency—like my own daughter, I have noticed—is not to find information anywhere else but through some IT mechanism; so whether we like that or not, that tends to be the reality.

Ms. MITCHELL. Ma'am, you asked about compliance. And we rely upon the Services to execute and comply and to report their compliance. And as a recently as the March 2012 IG report, it did reflect that the Service IGs found their offices to in execution and compliance.

The issue of half being notified goes back, again, to the challenges of keeping information updated. We have done a lot of work this summer, as have the Services, with reaching out to try to maintain that information as current as possible on our Web site. We have progressively ramped up our outreach over the summer to the point that now, between now and the election, we will be reaching out every single week to make contact.

And I can tell you that as of COB [close of business] yesterday, we have a list of installations on our Web site that was absolutely accurate as of yesterday. We also made 43 visits to installation voter assistance offices this past year. And we were there to provide training, but while we are there, we also provide assistance. So we look at how they are executing.

And we found that of the 43, 37 were fully executing what they should have been doing, and the others have varying degrees of challenges that they needed to overcome to implement things. But those things were relayed to the Services and they did report back to us that they were fully operational.

Mrs. DAVIS. I was going to follow up, but perhaps we will have another round.

Okay. Thank you.

Mr. WILSON. Thank you very much.

And we now proceed to Congressman Dr. Joe Heck of Nevada.

Mr. HECK. Thank you, Mr. Chairman.

I want to start by recognizing that my State, the State of Nevada, was recently recognized by the military voter protection project for its efforts to preserve and protect and promote voting rights for military members. It was given all-star status. In our State, you can register to vote, request and submit your absentee ballot all electronically. And currently our Secretary of State is traveling with a delegation of Secretaries and DOD members overseas to look at the impact of overseas voting.

I also see, Ms. Mitchell, you talked about sending out e-mails to remind people. I can tell you as somebody with a dot-mil address,

that I received your e-mails in January, February, June, August, and September encouraging me to request my absentee ballot if I needed one. So certainly that message is getting through.

Ambassador Moorefield, you mentioned an issue with the definition of “installations” as perhaps causing confusion. So what steps are being taken to address the issues that you identified, such as the definition of an installation so that there is a common operating picture of who is responsible at what level to make sure the appropriate offices and opened and staffed?

Mr. MOOREFIELD. Thank you, Congressman.

I do not have a sufficiently definitive answer to give you at this time, but I would like to take that and get back to you.

I am not sure there has been a thorough assessment of it within DOD. And so I would like to pursue that, if you don't mind.

[The information referred to can be found in the Appendix on page 67.]

Mr. HECK. Okay. And then also, in your review, what impact, if any, did you find based on, you know, command emphasis on the importance of being involved in—obviously, you can't force people to vote if they don't want to, but the command emphasis of, one, knowing that the resources are available and encouraging members in the deployed environment to take advantage of those resources?

I can tell you as someone who was deployed back in 2008, the extent of my command emphasis was a notice that was posted on the, you know, unit bulletin board about where the office was and who the contact person was, but that wasn't ever anything put out in any other media other than one posting on a bulletin board.

Mr. MOOREFIELD. Thank you, again.

The reports that we turn in annually and turned in this last spring from the Service IGs indicate that each and every one of the commands in all of the military services are carrying out their responsibilities and duties with respect to their unit voting officers, which include promoting access and understanding to the opportunity to vote.

I can't be any more definitive than that on the subject. But I will say that having spent over the last 6 years quite a bit of time in Iraq and Afghanistan, where you would think given the remoteness and the exigencies of war, that I often found, at least at the operating base level, that there was a substantial amount of information that was coming in.

I wasn't looking for it in those days, but I just couldn't get away from it. It was coming in on TV monitors. It was coming in through multiple mechanisms—*Stars and Stripes*, any number of media opportunities and social media opportunities.

So I was intrigued at the time and reasonably impressed. I don't think that there has been any diminishing in that effort. So even though the MOVE Act doesn't specifically apply to war zones, given the concentration of forces that we have had there, I hypothesize that if they weren't deeply engaged in combat operations, that the awareness and even the opportunity to vote could have been accessible to them.

Mr. HECK. I would suggest that just like there may be a problem with the definition of an installation in the Service IG's report. There may be a problem with the definition of what is promoting

access. Promoting access to one command may be totally different than another command. That perhaps is another area that needs further review and refinement.

Mr. MOOREFIELD. Thank you for raising that question. Indeed, we have initiated outreach with the military services and their IGs. Specifically, we have a working group that is beginning to look at how we can improve the conciseness, clarity, and value of the annual reports that the Services provide the IGs and then to us on unit voting.

We are not yet satisfied that it is sufficiently revealing, let me put it that way. So in terms of this next annual report that is our responsibility to submit to the Congress, we would like to frankly have a more robust effort made on all sides.

Mr. HECK. Great. Thank you both for your service and thank you for your report, Ambassador.

I yield back, Mr. Chair. Thank you.

Mr. WILSON. Thank you, Dr. Heck.

We now proceed to Congresswoman Niki Tsongas of Massachusetts.

Ms. TSONGAS. Thank you, Mr. Chairman.

And I appreciate the seriousness of effort that you all are demonstrating, especially as we come to a very important election.

For you, Ms. Mitchell, it seems in reading the materials one of the really important issues was, as we have at the Federal level enacted the MOVE Act and other efforts to make it easier for absentee voting, that there is much work that has to be done with the individual States in order to streamline their absentee voting requirements.

I hear from Congressman Heck that Nevada is one that has done this very well. But I am curious how you have worked with each of the States to resolve some of the issues that may, despite all your efforts, still make it more difficult than it should be.

Ms. MITCHELL. Ma'am, we work with them on a regular basis to discuss the MOVE Act and to talk about the very things you just mentioned. One of the things that we talk to them about is, and you will forgive me because I can never remember the acronyms just yet, but UMOVA [Uniformed Military and Overseas Voters Act] which is a law that would actually make across the States things much more consistent for service members.

So, for example, I have talked to service members from Florida who reported that they had no difficulty in figuring out what to do. And you talk to service members from some other States that have reported that it is very complex and they really aren't quite sure what to do. So we think that if there could be more consistency across the States, that would be a very big deal in terms of helping service members.

Ms. TSONGAS. And are there still States where it is very difficult, despite all the necessity of moving forward on this?

Ms. MITCHELL. Ma'am, I can't speak to the details of which States that might be, but I would be happy to take that for the record.

Ms. TSONGAS. I would like to have that answer.

[The information referred to can be found in the Appendix on page 67.]



Ms. TSONGAS. And then the other question I have is that you have said that the various Services report that they are meeting all the requirements. But how do you challenge that or test that?

Or is that something more you would have looked at, Ambassador Moorefield?

Mr. MOOREFIELD. Well, as I indicated—thank you, Congresswoman—as I indicated in response to the last question, we would like to drill down more on that, quite frankly.

I mean, it is not that we don't trust the information we are getting, but there is the old adage about verifying. And we would like to figure out how to do that.

It may be in the world of the entire universe of units worldwide that have voting officers that we may need to do some statistical sampling, you know, that—and we fortunately have the ability to do that within DOD IG to come up with something that gives us a high degree of the confidence that we understand their real capabilities and the real extent of the performance of their duties and what the impact is actually having on military voters.

If I could go back for just a second to what you were saying about the States one of the things that I have concluded recently in thinking about this and reading all the literature that is out there—and there is quite a bit—on States' participation and the requirements under the MOVE Act.

But the requirement to make enhanced use of electronic access to the opportunity to vote on the part of the States, including links to Web sites that would enable a military voter to download an absentee ballot, it seems to me, is really a great idea in the world today. And it cuts through an awful lot of the steps that otherwise might have to be followed by a military voter.

I am pretty sure about this, but I will ask Ms. Mitchell to confirm. But I think that the FVAP Web site has links to those States that have that electronic capability.

Ms. MITCHELL. We do actually have links to all the States and territories.

Ms. TSONGAS. So it would be interesting to see if those that allow for the electronic means of accessing it, how—comparing the data as to which are more successful and encourage absentee voting. Thank you and I yield back.

Mr. WILSON. Thank you, Ms. Tsongas.

And we now proceed to Congressman Allen West of Florida.

Mr. WEST. Thank you, Mr. Chairman and Ranking Member.

And thanks for the panel for being here today.

I want to frame this in an initial metaphor. If a commander says to a unit and the sergeant major first sergeant “We want the unit to go down to the motor pool, and we want to do PMCS [preventive maintenance checks & services] on our vehicles, take care of our vehicles today.” But instead if the unit goes off to the barracks and they clean up the barracks, did the unit meet the commander's mission and intent?

Ms. MITCHELL. No, sir, they did not.

Mr. WEST. Okay, so when I read here, the MOVE Act of 2009 was designed to ensure that American men and women serving overseas have every opportunity to vote, requiring military services

to open a voter assistance office on every one of its installations except for those in a war zone.

I appreciate the things that you are saying you did, but a lot of those things were optional within the MOVE Act. The law, what was directed, the mission was to open up these voter assistance offices; and based upon the report that we got from the IG, 114 of 229 installation voter assistance offices. So is that success or failure?

Ms. MITCHELL. Sir, I would suggest it goes back to contact information.

Mr. WEST. But that is not what the law said. The law didn't say anything about contact information. And that is why I used that metaphor. If the commander says go the motor pool and PMCS your vehicles and you go off to the barracks and you clean the barracks, did you meet the commander's intent?

So that is the whole point here: Did we meet the intent of this—of this act? And I mean, then why are we here? If everything is going fine then why are we here having this hearing? We have a problem.

So this is what I want to know: after the 2010 election did we have some type of after-action report or review where we looked at our processes and procedures from 2010?

Ms. MITCHELL. Yes, sir, we did.

Mr. WEST. And what did you find from 2010?

Ms. MITCHELL. Sir, as I recall, it was a post-election survey. And I don't have those details in my head, but we could certainly provide that to you.

[The information referred to can be found in the Appendix on page 68.]

Mr. WEST. We would like to have that, because the next question is from there we should have looked at having some type of voter registration readiness exercise, some type of rehearsal to make sure that we were prepared going forward into 2012. And I think if we had done that we would not have had all of these incidences of having duplicative or, you know, the wrong type of installations listed.

So did we do anything between 2010 and now? I know that you just said you are doing things weekly, and that is great. But is that a reaction to us, you know, all of a sudden having news reports and hearings or did we have a plan of action with milestones between 2010 and 6 November, 2012 that would have made sure we didn't have to have this hearing?

Ms. MITCHELL. Sir, guidance was put out 2 years ago on establishing the IVA offices. It was put out to the Services. The Services, again, as recently as March of this year reported that they were operational. And as I have said a few moments ago, we visited 43 of those, representing about 25 percent and found that they did exist.

And as of yesterday we have valid contact information for all of—the actual number is 221 for the military services.

Mr. WEST. Okay. So are we on the right track to get the intent of this law implemented before we have the 6th of November? I mean, are we moving in the right direction? Do we have the type of milestones so that the military members—which I have friends

and family members, they are starting to feel a little disenfranchised. That is the truth about what they are saying to me.

Ms. MITCHELL. Sir, I would submit that we have many resources available to them. The IVA office is one. It may be an important one in some places.

And as to the issue of which installations they are on, that was up to Service discretion. And the reason for that is they are in the best position to understand their population, what the demographics look like in any particular area, and also what their operational environment is.

So an analogy I would give you is I.D. card offices, dental clinics, medical clinics, those are not on every single installation worldwide, but they are in places where they can be accessed by service members.

Mr. WEST. But this law gave a responsibility to your office to be able to make sure that that stuff happened, though.

With that, Mr. Chairman, I yield back.

Mr. WILSON. Thank you very much, Colonel West.

And we now proceed to Congressman Austin Scott of Georgia.

Mr. SCOTT. Thank you, Mr. Chairman.

And you answered a couple of the questions that I had which dealt with registering to vote. You said that at in-service, at out-service, and anytime that a soldier is deployed, they are given the opportunity to register to vote. Is that correct?

Ms. MITCHELL. That is the guidance that has been given to the Services, yes, sir.

Mr. SCOTT. Okay. Is that being carried out?

Ms. MITCHELL. Sir, I would defer to the Inspector General and the Services.

Mr. SCOTT. Okay.

Mr. Ambassador.

Mr. MOOREFIELD. Thank you, Congressman.

We can't confirm one way or the other, frankly. As I said, we had difficulty contacting half of the IVAOs. And whether or not—and in what respect they were performing their functions, as I said we had a fairly exhaustive questionnaire. I think the results were mixed. Some of them I would say—some appeared to be doing exactly what they needed to be doing and others, maybe less so.

And as I mentioned also, previously there is some questions in our minds as to whether or not they are getting the activity that perhaps was the intent. And I am not sure if that is because they are not promoting themselves enough or they are not accessible enough or in the right places or because military voters today, particularly younger ones, would much rather not go to bricks-and-mortar place but look it up on an IT site.

Mr. SCOTT. Mr. Ambassador, if I can—thank you for that.

I will tell you, that seems pretty simple. When you go to register for a driver's license you can automatically register to vote.

And if the DOD has not implemented that, that seems to me that that is borderline negligence, especially when they have been directed that at in-service, out-service, and deployment—that our men and women that are in the military should be allowed to register there. And if the States can do it when somebody applies for

a driver's license, it sure seems to me that DOD could do it if they wanted to on the other side.

Are you aware of the report that says the Justice Department encouraged States to use waivers that bypass the MOVE Act? Are you aware of that and do you have any indication that that may be true or is that just a news report that doesn't have any basis?

Mr. MOOREFIELD. I am sorry. Could you restate that question please?

Mr. SCOTT. There were some reports that the Justice Department encouraged States to use waivers to bypass the MOVE Act. Are you aware of any States being given waivers to bypass the MOVE Act?

Mr. MOOREFIELD. I don't know anything about any recent activity. It seems to me I recall—and this is what I read in several reports, so I can't confirm it beyond that—that they had the authority to issue waivers and so it had selectively in the past issued waivers where States had not been able to ramp up effectively enough in order to comply with the law.

Whether or not that has happened recently I can't say.

Mr. SCOTT. Okay.

Let me ask one other question. This may be more for you, Ms. Mitchell.

But it seems to me, as somebody who, in watching the DOD from the Armed Services Committee—and if you watch how the DOD carried out the “Don't Ask, Don't Tell” surveys, for example—it seems to me that the DOD made sure that they got the “Don't Ask, Don't Tell” surveys to every member of the military to every spouse, to everybody that they were supposed to, but when it comes to military voting it seems that we are not able to get the absentee ballots to our soldiers.

And, I guess, can you explain the disparity in how when it comes to a “Don't Ask, Don't Tell” survey the DOD takes every effort and makes every effort to make sure that every soldier and every family member gets that but when it comes to voting the effort is certainly subpar compared to what we saw with that other movement?

Ms. MITCHELL. Sir, in terms of surveys, we are actively working with the Defense Manpower Data Center on a strategy to improve the response rate, if I understand that to be your question.

Mr. SCOTT. I am talking about getting our men and women who are overseas their absentee ballots.

The DOD got them their surveys with “Don't Ask, Don't Tell,” but we don't seem to be able to get them their absentee ballots so that they can vote, and it seems to me that there is a different standard there when it comes to voting versus a survey that the DOD or the Administration actually wanted the response to?

Ms. MITCHELL. Well, sir, I think one of the great things about the MOVE Act is the 45-day requirement on the States to get the ballots out. And of course the States are the ones who send out the ballots, as opposed to DOD.

What we have done is put a very good process in place for service members to be able to get the Federal postcard application so that they can request those ballots.

And many States now are providing for electronic delivery of the ballot or online or via e-mail, which is a big improvement in the way they may receive ballots.

Mr. SCOTT. Mr. Chairman, my time has expired. Thank you.

Mr. WILSON. Thank you very much, Mr. Scott.

We now proceed to Congressman Mike Coffman of Colorado.

Mr. COFFMAN. Thank you, Mr. Chairman.

And thank you both for your involvement in this critical issue. I really think that the most sacred right afforded to Americans is the right to vote.

And for those who are fighting in defense of our rights, of our freedoms, I think that we have to do everything we can to make sure that they have that right.

One metric it seems that we are focused on are these installation voting assistance offices. You know, as someone who was a junior enlisted Army guy when I turned 18, and had that right to vote, and who was a Marine Corps officer in a combat zone where I tried to vote, I want to say, first of all, that I don't think that that is the metric to look at.

I think that the metric to look at are the voting assistance officers that are scattered throughout the commands as collateral responsibilities.

And my concern is the training for those voting assistance officers. And to what extent that they are available, so how far today do they go down? Are they at the company level and their other Services' equivalence or at the battalion level?

And what is the extent of their training for those folks? And, Ms. Mitchell, maybe you could answer that first.

Ms. MITCHELL. Yes, sir. Thank you.

Unit voting assistance officers are supposed to be appointed for units of 25 or more. That may vary in some cases because of the type of unit.

Training is done in a variety of ways. We do train the trainer. The Services do the same. We also have Webinars and we have on-demand training that is offered through our Web site.

We have also provided training to the Services for use on their learning-management systems.

Mr. COFFMAN. Ambassador.

Mr. MOOREFIELD. It is certainly our understanding that they are receiving training, that they have that responsibility for units of 25 or greater. And as I said, we are turning in an annual report that is based on the military IG's reports as to what activities they have undertaken.

The only thing that I have posed is what we believe is a challenge to us and to the military IGs is to drill down a little bit further as to exactly the extent of the effectiveness, as it were, of that interaction with their military personnel in each unit.

Mr. COFFMAN. Okay. Well, then one thing that I am concerned about when I served in Iraq in 2005, 2006, I was not able to vote in the 2005 election back home.

In the, you know, the race to report in and the stresses of pre-deployment, I didn't do my absentee ballot for my respective States. Then I found—then when I got into the combat zone the laws of my State, Colorado, didn't comport with the realities of serving in a combat zone where they expected you to be able to utilize a fax machine that didn't exist in Iraq at the time.

And so I think they have since adjusted those laws. But are we also making efforts for those off-election years where those service members can vote in their respective States of home-of-record.

Could you, Ms. Mitchell?

Ms. MITCHELL. Yes, sir.

Every election is important, whether it be in one of the odd years or the even years. And so, for example, the unit voting assistance officer, as you mentioned, of whom there are thousands across the Services are actually required on odd-numbered years to provide a Federal postcard application to every service member.

And during even-numbered years they are supposed to provide it twice a year, once in January and once in July.

Mr. COFFMAN. And, Ambassador, we know that that is taking place?

Mr. MOOREFIELD. That is what has been reported, Congressman.

And we are going to make a more aggressive effort beginning now, or we already undertook this starting several months ago to confirm that that is actually taking place.

Mr. COFFMAN. Thank you both for your efforts. And my concerns obviously are military-wide but in particular those serving in a combat zone. And I have been in both in, you know, major base camps in a combat zone and out in forward operating facilities.

And I can tell you, out in those forward operating bases, communications is pretty tough sometimes. And so I would just really hope that we take that into account so we can make sure that those who are fighting in defense of our freedom, again, have the right to vote—that most sacred freedom.

With that, Mr. Chairman, I yield back.

Mr. WILSON. Thank you, Mr. Coffman.

We have a final follow-up question with Mrs. Davis.

Mrs. DAVIS. Thank you, Mr. Chairman.

I just wanted to follow up on your comment, Ms. Mitchell, because you said, and I think we are very aware of this, that States have different laws related to absentee ballots, which some of them, as you said, make it very difficult for service members to get the information and be able to act on it.

Are you all doing anything that would kind of help pull some of that information together in those instances where it really is difficult? And what changes could be made?

I would love to, you know, invite my colleagues to be concerned about this because we know that in many States it is so difficult for people to get an absentee ballot.

And it shouldn't be that way. In Federal elections everybody ought to have equal access. And so where we have that access in some States and it is, you know, it is almost impossible in others, what are you finding?

Can you help us with that information so that we can make certain that our men and women overseas—who happen to come from States where their absentee balloting is so difficult—that they have that opportunity, because that is where the problem is.

It is not necessarily in just getting the ballot. It is because they can't somehow comply in some way.

Ms. MITCHELL. Yes, ma'am. And we have a lot of information available on our Web site, FVAP.gov, to help with that. We also

have online wizards that are really very easy to use and walk service members and overseas citizens through the process.

So we think that has done a lot to aid in folks being able to both register to vote and to request a ballot.

But in terms of the different laws and levels of complexity, we do believe that one of the efforts I had mentioned earlier, UMOVA, which would standardize things across the States would really be a big help to service members.

And as I recall, I want to say right now six States plus the District of Columbia have passed that.

Mrs. DAVIS. Yes. Thank you very much. And again I do invite everyone at the—

Mr. WILSON. No. Thank you, Mrs. Davis.

And I would like to thank everyone for their participation. Particularly Congressman West, thank you for your question about the post-election analysis 2010. I think that would be very helpful to the subcommittee.

Additionally, I am very grateful for the Military Voter Protection Project. They have disclosed that there is a very low absentee ballot request participation thus far. But I am just confident that good people being involved, something can be done.

So at this time I move that we adjourn.

[Whereupon, at 12:30 p.m., the subcommittee was adjourned.]





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**A P P E N D I X**

SEPTEMBER 13, 2012

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**PREPARED STATEMENTS SUBMITTED FOR THE RECORD**

SEPTEMBER 13, 2012

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**Statement of Hon. Joe Wilson**  
**Chairman, House Subcommittee on Military Personnel**  
**Hearing on**  
**Federal Voting Assistance Program**  
**September 13, 2012**

Today the Subcommittee meets to hear testimony from the Department of Defense to help us understand how members of the Armed Forces and their families along with U.S. civilians living and working outside of the United States are afforded the opportunity to exercise their right to vote. I want to welcome our witnesses and I look forward to their testimony.

Voting is a fundamental and essential part of the democratic process. It is both our right and our duty as citizens of a democracy to set the direction of the Nation by selecting the individuals who will represent us at each level of government. This responsibility remains with us regardless of where we choose to live and work or, as in the case of our service members, where they are sent to defend our freedom.

For many years, Congress has been concerned about military and overseas voters who have told us about the difficulties they face when they try to cast their ballots. Registering to vote, receiving a ballot by mail, and returning the ballot by mail in time for the vote to count in an election when the voter is not physically located in the U.S. is challenging at best. One can only imagine the difficulty trying to accomplish that same process when the voter is at a remote outpost in Afghanistan fighting a war.

Yet, these are the very individuals who, through their military service, protect our right to vote.

Congress has worked hard over the last several years to ensure that the men and women assigned overseas on behalf of our country do not lose their ability to vote as a result of their service. A number of Federal laws have been enacted to enable the military and U.S. citizens abroad to vote in Federal elections.

Most recently, Congress enacted the Military and Overseas Voter Empowerment (MOVE) Act as part of the National Defense Authorization Act for Fiscal Year 2010. The MOVE Act required the Department of Defense to make several changes to the Federal Voting Assistance Program (FVAP) to improve the process by which military absentee voters cast their ballots. However the most recent report by the DODIG on DOD's implementation of the requirements of the MOVE Act finds that the military services are falling short in establishing Installation Voting Assistance offices. I look forward to hear from our DOD witness how the Department will fully implement the legislated improvements that were intended to

assist military and overseas voters. I am also interested to know how the changes to FVAP have affected the military and overseas voter in the lead up to the 2012 general election.

I will close by saying that every day, our troops lay their lives on the line to defend freedom and it is our job to make sure that they are not denied the right to vote.

**Statement of Hon. Susan A. Davis**  
**Ranking Member, House Subcommittee on Military**  
**Personnel**  
**Hearing on**  
**Federal Voting Assistance Program**  
**September 13, 2012**

Thank you, Mr. Chairman. I look forward to hearing from our witnesses, Ambassador Kenneth P. Moorefield, Deputy Inspector General for Special Plans and Operations, and Ms. Pamela Mitchell, the Acting Director of the Federal Voting Assistance Program. Thank you for being here with us.

The Federal Voting Assistance Program has been given the lead in carrying out the responsibilities of the Department of Defense to inform and educate Americans worldwide of their right to vote, foster voter participation and protect the integrity and enhance the electoral process for overseas voters at every level of government—from the local to the Federal level.

Many new voter assistance requirements were included in the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84, such as requiring the development of online portals to provide voter registrations procedures and notifications, and establishment of voting assistance offices, and development of standards for reporting requirements.

I am very interested in hearing from our witnesses on how implementation is going, what we've learned and whether additional programs or processes have been identified to further improve voting assistance and participation. While the recent Inspector General report found that over half of the offices that are required to be established on military installations were unable to be contacted, the report did not address whether the offices that were established are effective in meeting the needs of military and overseas voters. What efforts, if any, is the Department taking to measure the effectiveness of these offices and the services that are being provided? The Inspector General recommended that alternative methods to reach out to military voters be adopted, especially since such a majority of them are young single individuals who do not have a high propensity to vote. If such efforts are undertaken, what efforts will be established to measure the effectiveness of these alternative methods? As resources continue to be reduced, we need to ensure that the programs that are established to assist military and overseas voters are efficient but also cost-effective.

I look forward to hearing from our witnesses. The upcoming elections as we all know are a mere 7 weeks ahead; it is imperative that we ensure that all Americans have the ability to vote in our electoral process, but especially those who are on the front lines of defending our Nation. Thank you, Mr. Chairman.

September 13, 2012



Expected Release

9:45 a.m.

Statement of  
Ambassador (Ret.) Kenneth P. Moorefield  
Deputy Inspector General for Special Plans and Operations  
Department of Defense Office of Inspector General

before the

Subcommittee on Military Personnel,  
House Armed Services Committee

On the

Federal Voting Assistance Program



Good morning Chairman Wilson, Ranking Member Davis, and distinguished members of the Subcommittee on Military Personnel.

Thank you for the opportunity to appear before you today to discuss past and ongoing Department of Defense (DoD) Office of Inspector General (DoD IG) oversight regarding the Federal Voting Assistance Program (FVAP).

We share your commitment to ensuring that U.S. military services members worldwide and other eligible overseas citizens have the opportunity to exercise their rights as American citizens to vote in federal elections.

**The Military and Overseas Voter Empowerment Act**

The Uniformed and Overseas Citizens Absentee Voting Act of 1986, amended and modified by the Military and Overseas Voter Empowerment (MOVE) Act of 2009, specified that the right to vote was fundamental. The law explained that many logistical, geographical, operational, and environmental barriers restricted the ability to vote for military and other eligible overseas citizens. Accordingly, the law established various programs and requirements intended to help military and eligible overseas citizens register, vote, and have their votes counted.

The MOVE Act contained numerous provisions. Notable among them were:

- The Military Services were required to have an installation voting assistance office (IVAO) on every installation worldwide, with the exception of installations in a warzone.
- States were required to transmit ballots to absentee voters at least 45 days before federal elections.

- States were required to transmit voting information and blank ballots electronically to absentee voters.
- The use of the Federal Write-in Absentee Ballot<sup>1</sup> for all federal elections was expanded.
- Notarization requirements for military and overseas absentee ballots were prohibited.
- DoD (through FVAP) was required to implement a number of new electronic voting support systems.

The law impacted numerous federal agencies, including the Departments of State, Homeland Security and Justice, and the U.S. Postal Service, as well as the DoD and its Military Departments and Services.

The MOVE Act also required the FVAP Office to report to Congress:

- Within 180 days of MOVE Act implementation on their assessment of compliance with the law's provisions, and the effectiveness of programs intended to assist military personnel and overseas citizens vote<sup>2</sup>.
- Not later than March 31st of each year, on their assessment of compliance with voting assistance laws, and the effectiveness of voting assistance programs, including programs implemented by each of the Military Services.

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<sup>1</sup> The Federal Write-in Absentee Ballot can be used as a back-up measure in case the ballot requested from the local jurisdiction does not arrive in time to be returned. The ballot only has federal offices listed.

<sup>2</sup> The MOVE Act was passed by Congress on October 28, 2009; consequently, the initial MOVE Act implementation report was due to Congress on April 26, 2010, a date preceding the 2010 Federal election. However, the initial report was not issued until March 17, 2011.

**Unit Voting Assistance Officers**

Various DoD policy documents stipulate that one Unit Voting Assistance Officers (UVAO) has to be assigned at the O2/E7 level to every military unit worldwide, with an additional UVAO assigned for each 50 unit members after the first 25. The UVAO are authorized to perform all functions performed by voting assistance officers assigned at higher echelons. These functions include activities such as assisting personnel with registering, and obtaining and submitting absentee ballots. UVAO are specifically charged to ensure that all small and geographically separated units are assisted.

**Federal Voting Assistance Program Office**

The FVAP office administers the Uniformed and Overseas Citizens Absentee Voting Act and the MOVE Act on behalf of the Secretary of Defense. The FVAP provides U.S. citizens worldwide, estimated at approximately 6 million potential voters, including Military personnel and their families, a broad range of non-partisan information and assistance to facilitate their participation in the democratic voting process - regardless of where they work or live.

The FVAP exists to:

- Assist uniformed services and overseas voters to exercise their right to vote so that they have an equal opportunity with the general population to have their vote counted.
- Assist the States in complying with relevant federal laws, and advise them on ways to best comply.

- Advocate on behalf of the uniformed services and overseas voters, identifying impediments to their ability to exercise their right to vote, and proposing methods to overcome those impediments.

### **Annual Reporting Requirements**

The Army, Naval, Air Force, and Marine Corps IGs are required by law to annually review compliance with their own Service's voting assistance program, review the effectiveness of those programs, and report the results to the DoD IG. Since 2001, in compliance with the law, the DoD IG has issued eleven reports on the Service's voting assistance programs.

In March 2012, the DoD IG released its 11<sup>th</sup> report<sup>3</sup> on the voting assistance program. The Army, Naval, Air Force, and Marine Corps IGs reported that their Service voting assistance programs were effective and compliant with relevant policy, regulation, and public law.

The services' reports also identified that the services were increasingly using electronic and social media techniques to reach potential voters, especially in the 18-25 year old age bracket. In this regard, the Army IG reported that although some units did not receive voting materials on time, the problem was mitigated because Army organizations were now utilizing social media techniques, such as Facebook, Twitter, websites, and email as their principal methods of distributing information. The Navy IG report also emphasized that the Navy voting assistance program was using electronic media techniques, including websites and electronic bulletin boards—to conduct outreach.

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<sup>3</sup> "Assessment of Voting Assistance Programs for Calendar Year 2011," released March 30, 2012 (Report No. DODIG-2012-068).

**Current DoD IG Oversight**

In August 2012, the DoD IG released its 12<sup>th</sup> report<sup>4</sup>, a self-initiated inspection assessing whether voting assistance programs carried out under the Uniformed and Overseas Absentee Voting Act, amended and modified by the MOVE Act, complied with the law and were effective in meeting the law's intent.

As indicated earlier, the FVAP is a major multidimensional program impacting numerous Federal, state, and local agencies and jurisdictions, and is subject to repetitive examination and reporting by various Federal oversight organizations, especially the Government Accountability Office (GAO). Collectively, the reports form a substantial body of work to which senior public officials and those charged with governance can refer in shaping their decisions and actions.

The IG Act of 1978 requires DoD IG to avoid duplication in reporting by coordinating with the GAO, other Federal IGs, Military Service IGs, and other Federal entities. To avoid duplication and repetition—and accomplish the DoD IG oversight mission—we focused this assessment on:

- compliance with the MOVE Act requirement to establish a voting assistance office on every military installation worldwide.
- the sufficiency of survey data used by the FVAP office to manage and assess DoD's voting assistance program effectiveness.

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<sup>4</sup>"Assessment of the Federal Voting Assistance Program Implementation of the Military and Overseas Voter Empowerment (MOVE) Act," released August 30, 2012 (Report No. DoDIG-2012-123).

### **Installation Voting Assistance Offices**

One of the most significant requirements of the MOVE Act was for the Military Services to have an installation voting assistance office (IVAO) on every installation worldwide, with the exception of installations in a warzone. The law envisioned an extensive system of offices offering walk-in, face-to-face voting assistance to military members, families, and overseas citizens. The law required the Services to actively inform voters of what help was available from the IVAO's—and the time, location, and manner in which they might get that help.

DoD implementing guidance reiterated the requirement and emphasized that the intent was to provide “robust” assistance to military personnel, dependents, and overseas citizens. It specified that IVAOs would report directly to installation commanders; be located in fixed, well-advertised places easily accessible to personnel who might need help; and estimated staffing at one or two full-time people in each office.

The FVAP 2010 Post Election Survey Report to Congress, dated September 2011, enumerated a purported universe of all installations worldwide that required IVAOs, and stated that there were 224 installations in that universe, including 13 Coast Guard installations. The FVAP report also said that with the exception of five Air Force installations, all installations worldwide had established the mandated offices. The FVAP report did not identify the 224 installations by name.

To determine whether the Services complied with the requirement to establish an IVAO on all installations worldwide, we asked the FVAP to provide the names of the 224 installations. After receiving the list, we immediately noted that the FVAP's universal requirement list was inaccurate, and some major installations we determined existed were not identified. Examples of omitted installations included Fort Meade, Maryland; Camp

Casey, Korea; the U.S Army Garrison in Kaiserslautern, Germany; and the Naval Support Activity in Philadelphia.

It also became apparent that installation closures or consolidations resulting from the 2005 Defense Base Closure and Realignment Commission, such as the consolidation of the twelve multi-Service Joint Bases, had apparently contributed to certain installation omissions.

To assess the effectiveness of IVAOs that reportedly existed, we placed ourselves in the shoes of potential voters seeking help. Using official FVAP website contact information, as posted on the FVAP website in late March 2012, we attempted to contact the 229 IVAOs the website identified. These attempts excluded Fort McPherson and Fort Monroe in Virginia, which appeared on the website but had been closed. We initially called the IVAO telephone number; if no one answered, we left a voice mail asking for a return call, and if possible, followed-up with an email. It became evident that some FVAP website information was inaccurate. Accordingly, depending on circumstances, we contacted installation operators or accessed installation websites to obtain updated contact information. The results were clear.

About half of the time, we were unable to contact the IVAOs the FVAP website identified. In addition, we believe the number of IVAOs necessary to comply with the spirit of the law may significantly exceed the number of IVAOs actually in existence today. Some senior military officials pointed out the law had not authorized DoD additional funding for this initiative, which the FVAP estimated would cost more than \$15-20 million per year.

DoD officials also posed concerns about the relative effectiveness of IVAO's. They noted that younger military personnel were the biggest DoD military population

segment and that IVAOs were likely not the most cost effective way to reach out to them with voting information given their familiarity and general preference for communicating via on-line social media and obtaining data from internet websites. They suggested military voter assistance might be provided more effectively and efficiently by using targeted advertising, technology, social media like Twitter and Facebook, and online tools, along with trained unit voting assistance officers.

#### **Use of Social Media**

Throughout our work, we noted that the FVAP had made significant efforts to develop and implement a communications and marketing plan—principally focused on younger military personnel—using technology, advertising, social media, email notifications, and web-based systems. FVAP officials, as had unit voting officers, asserted that these efforts appear to be effective. For example, at the end of 2011, as they began their outreach and communication program for the 2012 primaries, they explained that activity on their web-based voter assistance systems significantly increased.

#### **Data Sufficiency**

The FVAP 2010 Post Election Survey Report to Congress, dated September 2011, asserted that voting assistance programs were effective because when survey data was properly adjusted to compensate for demographic and other differences, analysis indicated military populations registered and voted at higher rates than their civilian counterparts, and that military participation had improved appreciably between 2006 and 2010. To ensure rigorous, data-driven statistical analysis for the 2010 Post Election



Survey Report to Congress, FVAP officials prepared the report with the help of the Defense Manpower Data Center<sup>5</sup> (DMDC).

To determine if the conclusions of the FVAP 2010 Post Election Survey Report to Congress were reliable, and accurately reflected the effectiveness of voting assistance programs, the DoD IG assessed the FVAP/DMDC's 2010 post-election survey methodology.

The DoD IG's Quantitative Methods Division determined that FVAP's assertions about voting by active duty personnel in the 2010 Post Election Survey Report to Congress were based on a participation rate of only 15 percent of military personnel queried in the survey. The DoD IG quantitative specialists concluded the assertions would have been more credible if more people had responded to the survey.

Because the response rate was low, the DMDC performed a non-response bias analysis as required by Office of Management and Budget guidance. The objective was to determine if the 85 percent of military members not responding to the survey would have responded in the same way as the 15 percent who did respond. The DoD IG quantitative specialists reviewed the DMDC non-response bias analysis and found the 2010 post-election survey was inconclusive. Because DMDC considered non-response bias the largest source of survey error, FVAP and DMDC need to work to increase response rates.

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<sup>5</sup> The Defense Manpower Data Center is a central repository for data within the DoD and manages programs such as the Common Access Card; it's Statistical Information and Analysis Division provides survey and analytical services to various clients throughout the DoD, including to the Federal Voting Assistance Program.

**Future Survey Efforts**

The FVAP staff explained that they were aware of the issues involved and were already actively working with DMDC to improve the upcoming 2012 post-election survey response rate by using various survey techniques.

**Conclusion**

The DoD IG remains committed to providing oversight of the federal voting assistance program.

I thank you again for this opportunity to speak to you today.

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**STATEMENT OF  
MS. PAM MITCHELL  
ACTING DIRECTOR  
DEPARTMENT OF DEFENSE FEDERAL VOTING ASSISTANCE  
PROGRAM**

**BEFORE THE  
HOUSE COMMITTEE ON ARMED SERVICES  
SUBCOMMITTEE ON MILITARY PERSONNEL  
HEARING ON  
THE FEDERAL VOTING ASSISTANCE PROGRAM**

**SEPTEMBER 13, 2012**

Chairman Wilson, Ranking Member Davis, and distinguished members of the Subcommittee, thank you for the opportunity to discuss the Federal Voting Assistance Program (FVAP) and its implementation of the *Military and Overseas Voter Empowerment Act* (MOVE Act). Since enactment of the MOVE Act, FVAP has improved voter assistance and expanded services for State and local election officials to ensure members of the Uniformed Services and overseas citizens have the opportunity to vote in U.S. elections by absentee ballot. Voting assistance for absentee military and overseas citizen voters has never been better.

The *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*, as amended by the MOVE Act (42 U.S.C. 1973ff *et seq.*) (hereafter “the Act”), establishes protections for absent members of the Uniformed Services, their families, and U.S. citizens overseas who wish to vote in federal elections by absentee ballot. The MOVE Act amendments specifically call for reforms of FVAP and place several requirements on State election officials to ensure more timely delivery of voting materials to military and overseas voters. The Department is fully compliant with the spirit and intent of the Act. To implement the MOVE Act amendments, FVAP has:

- Enhanced FVAP.gov by adding online wizards to guide voters through the process of registering to vote, requesting an absentee ballot, and, when necessary, obtaining a write-in ballot. The website includes detailed information on absentee voting requirements and links to election information from all 55 States and Territories;
- Provided guidance and support to the military Services for establishing Installation Voter Assistance Offices;
- Provided guidance and training to State and local election officials to ensure they are aware of the requirements of the Act; and,

- Executed an enhanced voter education and outreach campaign utilizing email messages, social media outreach, and paid advertisements.

FVAP strives to ensure each citizen covered under the Act who wishes to vote by absentee ballot has the tools and resources to do so. FVAP further strives to ensure any ballot timely cast by a covered voter will be counted. This year is the first Presidential Election since the MOVE Act amendments were enacted. Absentee military and overseas service voters will experience a much improved process from four years ago. Prior to the last Presidential Election, only 13 States emailed blank ballots to voters; this year, 47 States offer voters the option of receiving a ballot by email. Fifteen States, including one of the three States that do not offer email, will also offer voters the option of downloading a blank ballot from a secure website. To request ballots, voters have the option of filling out an intuitive form at [FVAP.gov](http://FVAP.gov) or similar online systems offered by 19 States. Voters needing assistance will find a plethora of resources available, including a professional call center, well-trained Voting Assistance Officers, and an intuitive web portal at [FVAP.gov](http://FVAP.gov). Since enactment of the MOVE Act amendments, the Department, the Military Services, along with State and local election officials have rededicated themselves to supporting service member participation in U.S. elections.

Participation rates alone are poor indicators of the effectiveness of voting assistance given that interest in voting fluctuates with each election. This is especially true for the military population, which is younger and more male—young men being the least likely of any demographic to vote—than the general civilian population. Moreover, members of the National Guard and Reserve forces who are no longer on active duty do not qualify for the benefits and protections of the Act, which covers only military voters who are both on active duty and absent from their voting residence. Among covered military and overseas citizens who do vote, an

increasing number visit FVAP.gov, as evidenced by the over 8 million visits to the website since November 2011, use FVAP tools for registration and ballot requests, and are aware of the option to use the federal back-up ballot if their regular ballot does not arrive on time. As for all U.S. citizens, the decision to cast a vote in an election is a personal choice.

#### **Serving Voters**

Two forms are at the heart of the absentee voting process for military and overseas citizens. The Federal Post Card Application (FPCA) serves as a simultaneous voter registration and absentee ballot request form. The Federal Write-In Absentee Ballot (FWAB) acts as the standard back-up ballot for voters who do not receive their regular State ballot in time to be returned and counted. Both forms, as mandated by the Act, are prescribed by FVAP. In 2011, FVAP updated both forms to reflect the MOVE Act amendments by eliminating any reference to a notary requirement and creating space for voters to rank their preferred transmission methods (e.g. mail, email, or fax) for receiving election materials. FVAP also conducted a usability study to help make the new FPCA and FWAB more readable and intuitive.

#### **Direct-to-the-Voter Assistance**

An increasing number of voters utilize the web and online tools for assistance with the absentee voting process. The Act requires FVAP to deploy online wizards that assist voters applying for an absentee ballot and submitting a FWAB. The wizards ensure that voters answer all of the questions required by their State to register to vote or request an absentee ballot. These online tools were first deployed on the FVAP.gov web portal in August 2010. FVAP has continued to refine these wizards, updating them based on the redesign of the FPCA and FWAB and, prior to the 2012 primary season, incorporating redistricting data in the FWAB wizard. The online wizards have been well received by absentee voters, both military and overseas civilian.

Among recent comments, for example, from an Army Staff Sergeant, “This process was easy and fast. Outstanding set up. Thank you.” and from an overseas citizen, “You did a great job with the online tool. Easy, fast, efficient for those of us living abroad. Thank you!”.

In addition to the wizards, the Act requires FVAP to host an online portal. This portal is located at FVAP.gov and serves as a consolidated and comprehensive resource. Military and overseas voters can find general and State-specific information on absentee voting rules and deadlines. FVAP continues to use the “Global Address Network,” to reach out to military voters across the globe by sending email messages at 90, 60, and 30-day intervals before a federal general election. These emails have embedded links to the FVAP portal, making it as easy as possible for Service members to follow up and register to vote. In January, June, and the first week of September 2012, FVAP sent an email message to every member of the military with a ‘.mil’ email address, some 1.4 million, reminding them to submit a new FPCA to register and request an absentee ballot for the upcoming election. Following these messages, FVAP experienced significant increases in traffic on FVAP.gov. Since November 2011, FVAP.gov has received 8.3 million page views.

In addition to email messaging, FVAP developed and executed a comprehensive communications and marketing plan, including social media outreach, to promote awareness of the resources available at FVAP.gov. FVAP included print advertisements in *Military Times*, *Stars and Stripes*, and *Military Spouse* and banner ads on websites including washingtonpost.com. To complement these advertisements, FVAP deployed online advertisements using behavioral, contextual, and geographic targeting to reach military and overseas voters.

As social networking platforms have become ubiquitous, FVAP maintains a presence on Facebook, Twitter, and LinkedIn. Social networking platforms enable two-way conversations with voters and offer an effective means to quickly disseminate news and information within the military and overseas citizen communities. FVAP social media efforts target younger voters. Post-election surveys consistently show 18- to 24-year-old members of the military, like their general population counterparts, have less experience voting and are often less familiar with the process.

FVAP aims to be the primary source of information for absent military and overseas citizen voters, but it is by no means the only source of information. Each State, as required by the Act, maintains a webpage dedicated to military and overseas voters. Several outside advocacy groups provide voting information to military and overseas voters, and FVAP cooperates with these groups to ensure that they are relaying accurate information. Even Google has now created an online tool to assist military and overseas voters, which includes a link to [FVAP.gov](http://FVAP.gov).

Once overseas service members and their family members vote, the Military Postal Service (MPS) employs special tools to track the ballot and ensure it reaches local election officials in time. The MPS applies the Express Mail Service Label 11-DoD to each ballot from an overseas Service member. The label ensures expedited delivery to the local election office upon arrival in the United States. The label provides voters and the MPS capability to track military ballots from acceptance to delivery through scans at the initial intake point, en route and upon arrival at the U.S. International Gateways (New York, San Francisco, and Miami), and a delivery scan conducted by the U.S. Postal Service.



**Supporting the Services**

The Act directs the Service Secretaries to designate an office on military installations as a voter assistance office. The Act further requires that these Installation Voter Assistance Offices (IVA Offices) serve as voter registration agencies under the National Voter Registration Act (NVRA). Department of Defense Instruction (DoDI) 1000.04, "Federal Voting Assistance Program" outlines the requirements and procedures the Services must follow in establishing and maintaining voting assistance programs. The DoDI 1000.04 replaces and consolidates previous issuances and provides the Military Services with a single, authoritative source for executing their voting assistance programs. It enhances Department policy by outlining specific requirements for IVA Offices in greater detail than previous guidance.

To assist the Services with these requirements, FVAP provides classroom and webinar training and self-paced courses with handbooks and document templates. The training is intended to provide the Services with an "IVA Office in a box" turnkey set up. FVAP hosts these training materials on FVAP.gov, which also includes a list of all IVA Office contact information. FVAP hosts monthly conference calls and semi-annual face-to-face meetings with the Service Voting Action Officers to discuss implementation of the IVA Office requirement. These regular meetings offer the Services an opportunity to identify challenges and seek assistance from FVAP. In 2012, FVAP staff conducted in-person training and assistance visits at 43 installations. The Services are responsible for execution and compliance, and are required to submit annual reports that outline the effectiveness of their programs.

The Department of Defense Inspector General (DoDIG) conducts an annual assessment on compliance with the Act. In their "Assessment of Voting Assistance Programs for Calendar Year 2011," dated March 30, 2012, the DoDIG noted that "The Army, Naval, Air Force, and

Marine Corps IGs reported that their Service voting assistance programs were effective and compliant with relevant policy, regulation, and public law.” The most recent DoDIG report, released in September 2012, focused on the IVA Office requirement. The DoDIG noted it had difficulty contacting the IVA Offices. However, they used an outdated contact list for the IVA Offices. These offices exist on military installations and, as in any military environment, offices change and service members get reassigned. FVAP has addressed the outdated information and, to ensure accurate records for each office, FVAP will contact every IVA Office weekly until the election.

DoDIG suggested that brick and mortar IVA Offices may not be the most effective way to provide assistance to military voters. FVAP agrees, particularly with respect to younger voters accustomed to going online for information, that IVA Offices may not be the best way to reach all military voters and that the Secretaries of the Military Departments should have the discretion to designate offices where they determine they are needed to optimize voting assistance. FVAP will continue to work with all stakeholders, including the Military Services and the Congress, to review and refine the way the Department provides voting assistance to service members.

FVAP devotes considerable resources to training unit and installation level Voting Assistance Officers (VAOs). FVAP conducts formal in-person training of unit VAOs, webinars for VAOs with FVAP staff, and this year FVAP developed and deployed self-paced online training for use by VAOs at their convenience. The FVAP.gov web portal contains a complete section for VAOs, which includes templates for establishing an effective voting assistance program, election alerts, and resources to answer State-specific questions about voting procedures. The training materials cover important deadlines in the absentee voting process, the various ways to receive and return election materials, and recommends voters use the online

wizard for the FPCA and FWAB at FVAP.gov. As first reported in the FVAP 2010 post-election report, 98% of the VAOs who accessed FVAP.gov found it useful and informative.

To prepare for the 2012 election, FVAP conducted VAO training workshops at 81 military installations and embassies around the world. Additionally, FVAP conducted 42 webinar training sessions. These webinar courses will continue throughout October. All sessions follow a “train-the-trainer” format, giving participants tools and techniques that may be used to train other VAOs, thus ensuring that training may be conducted as required internal to each Service. In addition to supporting the Services, FVAP also supports the Department of State in its mission to provide voting assistance at embassies and consulates around the world. In 2012, FVAP and the State Department partnered to host 22 in-person workshops for overseas citizens, and held a series of conference calls for consular officers to address frequently asked questions from overseas voters. The Department of State provides information on absentee voting, including links to FVAP.gov, on its website and in the information it distributes to U.S. citizens living abroad.

#### **Partnering with the States**

The ability of a member of the Uniformed Services or overseas citizen to successfully cast a ballot is largely determined by State law. In passing the Act, Congress placed a number of requirements on States, and mandated that the federal government “consult with State and local election officials [...], and ensure that such officials are aware of the requirements of this Act,” 42 U.S.C. 1973ff(b)(2).

In several States, the Act precipitated substantial changes to election law. In response to the requirement that States transmit previously requested absentee ballots to military and overseas voters 45 days in advance of each federal election, five States and the District of

Columbia moved the date of their primary election or enacted other changes to their election calendar. Many State legislatures had to pass authorizing legislation for electronic transmission of voting materials. In all, 32 States made legislative reforms to the absentee voting process for military and overseas citizens between the 2010 General Election and August 2012.

As States continue to implement the Act and strive to better serve military and overseas citizen voters, FVAP partners with the States to:

- Obtain accurate and up-to-date information on absentee voting rules, procedures, and deadlines that FVAP widely disseminates to voters and Voting Assistance Officers;
- Obtain data for the FVAP statistical analyses of military and overseas voting through post-election surveys of election officials;
- Provide instructions for addressing election materials sent through the Military Postal Service;
- Provide training to State and local election officials on processing election materials from military and overseas voters;
- Assist with compliance when unforeseen circumstances arise;
- Provide written guidance on the application for and approval of hardship waivers as provided by the Act;
- Provide expertise and best practice recommendations on policies and procedures that affect military and overseas voters;
- Consult on State legislative changes to absentee voting laws; and
- Serve as an advocate for military and overseas voters to Chief Election Officials and the professional election administrator community.

**Building State Capabilities**

Beginning in 2011 and continuing through the first half of 2012, the Department awarded grants on a competitive basis to States and localities to research the effectiveness of new electronic tools for voter registration, blank ballot delivery, and marking. It is important to note that no grant award funds may be used for the electronic return of a voted ballot in a live election. Awardees will submit detailed, quantitative reports on the effectiveness of their systems over the next five years. The grants offer States and localities the flexibility to build tools for military and overseas citizen voters into their existing voter registration and election administration systems. This enables election officials to keep more accurate records of military and overseas citizen voters, reducing the number of misaddressed and thus undeliverable ballots, and automating the timely delivery of blank ballots to voters at the 45-day mark. Improved electronic record keeping that, for instance, clearly labels which voters are covered by UOCAVA, should assist states in complying with federal law. Moreover, such systems automate data collection activities so States and the federal Government can more quickly spot violations of UOCAVA.

Grant awards were made based on recommendations from a review board comprised of election and technology experts. The board assessed proposals based on criteria developed in partnership with State election officials. All identifying information in each proposal was redacted prior to the review, so that board members remained unaware of the grant applicants' identities. In all, FVAP awarded 35 grants. The awardee jurisdictions serve more than 770,000 members of the Uniformed Services.

**Assisting Voters When States Falter**

FVAP does not have authority to enforce State compliance with the Act. Only the Department of Justice can take legal action against a State for noncompliance. In 2012, the Department of Justice has taken action against five States for failing to comply with the 45-day deadline. In each of these instances, coordinating with the Department of Justice, FVAP worked with the State so affected military and overseas voters were and will be able to successfully cast ballots. FVAP uses its ability to quickly message all Service members from a particular State and notify them of changes to ballot receipt deadlines when federal courts have ordered such changes. When Georgia was ordered to change its primary run-off procedures, FVAP worked with the State to quickly transmit and receive ballots from affected voters. After the U.S. District Court for the Eastern District of California ordered California to provide better training and procedures for local election officials, State officials agreed to make FVAP training materials mandatory for their local election officials to fulfill that judgment.

To the extent possible, FVAP works in coordination with the Voting Section of the U.S. Department of Justice. As required by the Act, FVAP must consult with the Justice Department when reviewing applications for waivers from the 45-day prior transmission requirement. As federal officials, FVAP has an obligation to report violations of federal law, including instances of States failing to comply with the Act, to the Justice Department. Likewise, the Justice Department notifies FVAP when initiating enforcement actions, and includes FVAP in the process of assisting voters affected by a State's noncompliance.

FVAP received only one application for a waiver from the "45-day prior" rule for federal elections during 2012. In late 2011, New York submitted an application for a waiver to cover the State Primary and the General Election in 2012, citing the compressed primary calendar and demands of local election systems. After consulting with the Justice Department, FVAP denied

New York's request. No other waiver applications have been received. The deadline for waiver applications for the 2012 General Election passed on August 8, 90 days before the November election.

### **Preparing for the 2012 General Election**

#### **Expanded Training**

In Spring and early Summer 2012, FVAP rolled out interactive online training tools for both election officials and VAOs. These training resources represent a significant expansion of previous FVAP training efforts. Online training provides an effective means to connect with more voters and election officials while maximizing limited staff resources.

#### **Improvements at FVAP.gov**

In August 2012, FVAP unveiled a mobile website for easy access to absentee voting information on smartphones and tablets. This update is representative of FVAP's efforts to provide up-to-date information to voters in the most accessible means possible. Since the 2010 General Election, FVAP has updated its online FWAB wizard to include the appropriate Congressional candidates based on the 2012 redistricting process. The wizards, as well as the voting information pages, were updated to reflect changes to State election law and turnover among local election officials. FVAP also drives voters to websites and wizards operated by our State and local partners. Because State and local wizards are often connected directly to the jurisdiction's voter registration and election management software, FVAP displays links to these wizards prominently on the State pages at FVAP.gov.

As of August 26, 2012, 359,683 voters have filled out an FPCA using the FVAP.gov wizard. Following the election, FVAP will survey State and local election officials to gauge usage of State online resources for military and overseas voters. During the election, however,

downloads of the FPCA is FVAP's best gauge of voter participation. At present, the number of downloads is running parallel with the 2004 election cycle, the last time an incumbent U.S. President ran unopposed through one party's primary elections.

#### **Communicating with Voters**

In March 2012, FVAP established a call center that military and overseas citizen voters can contact with questions about the absentee voting process. The call center, open from 6:00am to 8:00pm on weekdays, uses email and web chat communications, in addition to phone calls, making it more accessible for voters around the world. Military voters, overseas citizen voters, and local election officials have contacted the call center in roughly equal proportion, with each group accounting for about a third of the inquiries received.

Following its communication plan, FVAP increased advertising efforts to reach more voters during the critical period before registration deadlines. FVAP's summer online advertising campaign attracted 184,000 viewers to FVAP.gov over a four-week period in June and July. The fall online advertising campaign runs from September 10 to October 4.

FVAP also worked to make voters and election officials aware of concerns raised by some overseas citizen advocacy groups regarding the 2011 redesign of the FPCA and FWAB. Previous versions of the FPCA asked overseas citizens to classify their status as overseas "temporarily" or "indefinitely." The 2011 form asked overseas citizens whether or not they "intend to return" to the United States. On both forms, the voter classification question is asked so that election officials can determine whether the voter should receive a full ballot or a ballot with only federal offices. FVAP changed the wording to more accurately reflect State election laws. In 37 States, the determination of ballot type, which is based on residency guidelines, at least partly hinges on whether or not a voter intends to return. Some overseas citizens groups



voiced concerns that the 2011 version could hinder participation since some overseas citizens may not feel comfortable declaring an intent regarding their return to the United States. Although the Act makes clear that voting in federal elections cannot affect a voter's tax status, a number of overseas citizens raised taxes as a point of possible confusion. In response to these concerns, FVAP made both the 2005 and 2011 versions of the FPCA available on FVAP.gov. Both versions of the FPCA are still valid, and FVAP notified State and local election officials they will likely receive both versions this year.

#### **Communicating with States**

As described above, FVAP maintains regular contact with State election officials. In the last several weeks, FVAP sent emails to all State and local election officials reminding them General Election ballots must be sent by September 22, the 45<sup>th</sup> day prior to the November General Election.

FVAP spends significant resources tracking changes to contact information for local election officials. Across the U.S., approximately 7,300 local election officials are independently responsible for transmitting absentee ballots to voters. Approximately half of these officials are in Wisconsin and Michigan, both of which maintain highly decentralized election systems with part-time election officials in every village and township. Turnover among these smaller, rural local officials can pose a hurdle to maintaining current contact information for all local election officials.

FVAP strives to ensure all local election officials are aware of the requirements of the Act. Throughout this year's primary elections, FVAP reminded States which had not previously accepted the FWAB in primary elections that the Act now requires acceptance of the FWAB in all federal elections. This change went into effect after the November 2010 General Election.

Previously, federal law required States to accept the FWAB only in general elections for federal offices.

Similarly, FVAP has had ongoing discussions with States regarding the automatic ballot request validity period of the FPCA. Prior to the MOVE Act amendments, Section 104 of UOCAVA required election officials to treat each valid FPCA as a standing ballot request for all elections through two election cycles, or up to four years. Congress repealed this requirement based on concerns from election officials who were sending ballots to Iraq long after the voter's deployment had ended. This change was not among the heavily publicized changes of the MOVE Act amendments and over the last year has generated questions. For this reason, and because military voters are a mobile population, FVAP instructs military voters to submit a new FPCA each year.

#### **On-Going Research**

FVAP conducts a statistical analysis on the effectiveness of the Department's voting assistance programs and submits its findings to Congress annually. FVAP continues to use a series of surveys to document the performance of the voting assistance programs. FVAP surveys members of the active duty military, their spouses, VAOs, and election officials following each federal general election and uses research findings to guide program decisions. Following the 2008 election, for instance, FVAP found that service members and overseas citizens rarely have difficulty registering to vote or requesting an absentee ballot, but often struggle to receive a blank ballot in time to both vote and return the ballot in time for it to be counted. In light of this finding, FVAP shifted to a focus on ballot delivery, aiming to reduce the amount of time a ballot spends in transit. This focus has guided the development of secure websites where ballots can be quickly downloaded from anywhere in the world.

FVAP compares its survey findings to the findings of the American Community Survey conducted by the U.S. Census Bureau. Both FVAP and the Census Bureau ask similar questions about voter registration and participation in recent U.S. elections. Though surveys are always inexact, the comparison allows FVAP to see identify similarities and differences in voter participation between military voters and the civilian voting age population. FVAP weights its survey findings to account for the fact that the military is younger and more male than the general civilian population. Surveys following the 2010 General Election indicated that service members and the general civilian population voted at nearly an identical rate, 46% versus 45.5%.

Analyzing data from election officials as reported by the Election Assistance Commission (EAC) can be useful, but also poses many challenges. Because service members can use any one of several avenues to register to vote, it is impossible to know exactly how many active duty service members are registered. Many service members vote by absentee ballot, but do so without using an FPCA, and election officials thus have no way of identifying them as military voters. Others simply vote in-person at their local voting precinct. Both groups would not be included in any sort of tally of military voters collected by State or local election officials and reported to the EAC.

#### **Conclusion**

Mr. Chairman, and Members of the subcommittee, thank you for the opportunity to speak with you today about FVAP and the Department's efforts to support military and overseas citizen voters. I firmly believe the voting assistance provided to these groups has never been better. For the 2012 General election, military and overseas citizen voters will benefit from several upgrades to FVAP's assistance service, including:

- Redesigned FPCA and FWAB that eliminate references to notaries and allows for ranked choice of ballots transmission options;
- Updated wizards on FVAP.gov that reflect the 2012 redistricting process and other changes to State election laws;
- Notification emails to all Service members with a .mil email address in January, June, and September 2012, and at 90, 60, and 30 day intervals before the election;
- 81 in-person voter and VAO workshop training sessions at locations around the world, to include an additional 42 webinar trainings;
- 43 installations visits for IVA Office training sessions;
- Broad training and support services to State and local election officials to improve the service that they provide to military and overseas citizen voters;
- A voter education and outreach campaign, utilizing advertisements in publications and on websites of interest to military and overseas citizen voters;
- A call center available to answer questions by phone, email, web chat from voters, VAOs, and election officials; and,
- A mobile website, allowing voters to easily find information on FVAP.gov from their smartphones and tablets.

Through these steps, along with additional email and social media messages to voters and a staff well versed in the absentee voting process, FVAP offers an unprecedented level of service to military and overseas citizen voters covered by UOCAVA. I look forward to your questions.

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**DOCUMENTS SUBMITTED FOR THE RECORD**

SEPTEMBER 13, 2012

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TESTIMONY OF PAMELA SMITH  
PRESIDENT, VERIFIED VOTING.ORG

BEFORE THE  
COMMITTEE ON ARMED SERVICES  
SUBCOMMITTEE ON MILITARY PERSONNEL  
U.S. HOUSE OF REPRESENTATIVES

FEDERAL VOTING ASSISTANCE PROGRAM (FVAP)

September 13, 2012

Mr. Chairman and members of the Subcommittee, I am Pamela Smith, President of Verified Voting.org. Verified Voting is a non-partisan, nonprofit organization founded and governed by leading technologists in the United States working to safeguard elections in the digital age. We advocate for secure, reliable and accessible voting systems and election administration practices. Verified Voting with Common Cause and Rutgers Law School Newark Constitutional Litigation Clinic recently released: *"Counting Votes 2012: A State by State Look at Voting Technology Preparedness"* which includes a section on military and overseas voting and can be accessed online at: <http://countingvotes.org>.

Congress is to be commended for passing the Military and Overseas Voter Empowerment (MOVE) Act in 2009. It is well known that the nation's military and overseas voters have for too long faced significant challenges in exercising their right to vote. The MOVE Act has helped to alleviate these challenges. The Act increased the window of time available for voting, abbreviated the process by making blank, un-voted ballots available electronically, and eliminated bureaucratic hurdles in the way of completing the voting process timely.

The MOVE Act was crafted to address the challenges of time and distance for our remote voters very admirably. Its initial implementation in 2010 demonstrated promise that many of its provisions, if carried out with the spirit of the law, can alleviate many of the concerns surrounding overseas military voting. It is likely that this year will see additional improvements that result directly from The Act's best provisions.

It is unfortunate, however, that more effort did not go into supporting outreach actions like the IVAO program and other registration programs, and that so much subsequent effort has gone into supporting unproven technologies like online ballot marking wizards and experimental internet voting methods that introduce new, grave risks to the voting process.

Recently, the U.S. Department of Homeland Security (DHS) and the National Institute of Standards and Technology (NIST) have clarified that the Internet is not sufficiently mature to be employed as a platform for something as important as voting. Such ballots are vulnerable to interception and alteration in transit, risking both the privacy of the voters and the security of the election.<sup>i</sup> Our troops deserve verifiably secure ballots; if this option is presented to them, they may not realize the risks – not just to their own votes, but to the election itself. Indeed, if it is being presented to them, they likely will think it must be secure, yet that is not the case.

It is important to note that the MOVE Act did not call for electronic return of voted ballots over the Internet. Nonetheless, in 2012 the electronic return of voted ballots will occur in 30 states –over unprotected public networks.<sup>ii</sup> The spate of provisions allowing this insecure practice came about in part because of active or implied support from the Federal Voting Assistance Program (FVAP), which for some time has been promoting the use of technology that either enables – or can be configured to allow—electronic return of voted



ballots. In nearly all instances, such provisions likely could have been prevented by clear guidance to the contrary from FVAP.

In 2010 the Federal Voting Assistance Program (FVAP) launched the Electronic Voting Support Wizard (EVSZ) program and for 2011/2012, the subsequent Electronic Absentee Systems for Elections (EASE) grants to the States to enable online ballot marking “wizards” and online voting systems for mock elections.

While the RFP for the EASE grants stated that these systems are not to be used for the online return of voted ballots in real elections, the systems in question can in fact enable such options for mock elections. Further, the systems’ architecture allows them to be configured to allow electronic return of voted ballots if that were permitted by the States. Even if the terms of the grants do not permit that usage today, it can be done in the future, and in the interim, the systems can enable connection to the voter’s email or fax client today.

That some States’ even applied for these grants with the stated intent of using them for electronic return of voted ballots (despite the RFP’s terms) is not entirely unexpected, in the absence of clear guidance from the Federal Voting Assistance Program (FVAP) about the inherent hazards of returning voted ballots through electronic means over the Internet. For some time, States have been encouraged to introduce or expand the electronic return of voted ballots as an option to military voters. Until and unless FVAP makes a very clear statement that online return of voted ballots is the worst of the available options and should not be used until it can be made secure, that past climate of encouragement will not be seen to have changed.

Information about the reliability of these systems has not been made public – even though States will be using these systems through the awarded EASE grants. A promised 2010

“lessons learned” report about the EVSW systems has not yet been made public, to our knowledge. Tests were arranged by FVAP and conducted by voting system testing laboratories for functionality and security for both online ballot marking wizards and internet voting systems. In public meetings as early as 2011 it was stated that the results of the tests would be made available but it is nearly Election Day more than a year later, and no test reports have been shared with the public.

Organizations with security expertise dwarfing that of any voting system vendor or election jurisdiction – Google, Symantec and the White House, to name a few – have been victims of remote attacks via the Internet. We cannot expect an election jurisdiction to resist remote attack for any online systems. Any and all relevant guidance on the systems they may be using must be made publicly available in advance of deployment of such systems; that guidance may not be sufficient, but it will be a responsible and welcome step.

#### **What Can FVAP Do To Help Secure Federal Elections?**

As a nation we fail in our duty if we do not take into consideration warnings already provided to FVAP from experts at NIST and other authorities about the vulnerability of returning voted ballots electronically and even marking ballots online. Federal agencies like FVAP can and should be completely clear with constituents about where policy can safely encompass the use of current technology – e.g., sending information to voters electronically, including blank ballots – and should avoid ambiguity in areas where technology is still largely untested and known to be hazardous. We should support the responsible use of technology where it can benefit our remote voters, while opposing technology that makes our elections highly vulnerable.

- FVAP should protect military voters by recommending that marked ballots be returned in expedited and tracked physical mail.
- FVAP Should Provide Clear, Written Guidance to the States. The FVAP should provide guidance prior to the 2012 elections clarifying that the return of voted ballots over the Internet is something that should be put off until such time as the technical challenges are met and systems that are demonstrably reliable and verifiable can be approved by bodies such as the National Cybersecurity Council and the Critical Infrastructure Partnership Advisory Council with input from appropriate persons at NIST and DHS.
- FVAP Should Release Information to the public about any testing completed on systems deployed through EVSW or EASE, or being considered for deployment.
- FVAP Should Continue to Engage with the community of stakeholders, including technology experts, to seek safer alternatives for aiding military and overseas voters.  
We understand that a conference is planned for 2013 to continue the dialogue initiated in the last two years, with election officials, technologists and security experts. We applaud the Interim Director's plan to continue this effort and will do what we can to support its success.

Mr. Chairman and members of the Subcommittee, I thank you for holding today's hearing. Please consider Verified Voting.org as a resource for information as you continue to address these very important matters.

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<sup>i</sup> **In 2010, when the District of Columbia operated its pilot Internet voting project, it was hacked.** The system was corrupted remotely by white hat hackers who were able to alter votes, obtain codes to individuals' voting pin numbers and principally change the system in 36 hours. They also observed intruders with IP addresses from China and Iran. Thus far, this is the only jurisdiction that has even enabled such testing to identify vulnerabilities, yet Internet return of voted ballots is available in 31 states today, with fewer security precautions than DC's experimental system.

<sup>ii</sup> **20 States Are Doing the Right Thing; 30 States and DC Still Need to Improve.** Currently, 20 states protect voters by prohibiting electronic return of marked ballots over the Internet and/or requiring the voter's original paper ballot to be returned. One state, New Jersey, permits electronic return of votes for military and overseas voters, but requires the physical ballot to be returned as well. However, the following 24 states permit electronic return of votes for military and overseas voters without restrictions, subjecting the ballots and voting systems to the risk of corruption: Alaska, Arizona, California, Delaware, District of Columbia, Florida, Idaho, Indiana, Kansas, Louisiana, Massachusetts, Mississippi, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, Washington and West Virginia. The following six states make electronic return of voted ballots available to restricted groups of voters (e.g., military voters in combat zones): Colorado, Hawaii, Iowa, Maine, Missouri and Texas. However, these votes are still at risk.

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**WITNESS RESPONSES TO QUESTIONS ASKED DURING  
THE HEARING**

SEPTEMBER 13, 2012

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#### **RESPONSE TO QUESTION SUBMITTED BY DR. HECK**

Mr. MOOREFIELD. As highlighted in our report, one of the most significant provisions of the MOVE Act was the requirement to establish an installation voting assistance office (IVAO) on every military installation worldwide (except for installations in a warzone). The President of the United States designated the Secretary of Defense as the official primarily responsible for overseeing all Federal Voting Assistance Programs—including the development of any definitions necessary to guide the Service Secretaries in their compliance with MOVE Act provisions. During our assessment of MOVE Act implementation, we explained that DOD and Military Department installation voting assistance office records were incomplete, did not include offices on a number of bases knowledgeable people might consider installations, and noted the absence of criteria or the definition of an “installation” for MOVE Act compliance purposes. On September 13, 2012, the Department of Defense issued DOD Instruction No. 1000.04, “Federal Voting Assistance Program (FVAP).” The instruction applied to all Military Services, including the Instruction specifically required all Services to appoint a General Officer, Admiral, or a Member of the Senior Executive Service to manage their Service’s voting assistance program, establish an installation voter assistance office on every base worldwide, and maintain accurate records. The instruction also allowed satellite office to accommodate geographically dispersed installations. Implementation and enforcement of this newly published policy document should address the installation voting assistance office issues we identified in our report. However, compliance with the DOD Instruction will be subject to DODIG’s ongoing and independent oversight and reporting. [See page 11.]

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#### **RESPONSE TO QUESTION SUBMITTED BY MS. TSONGAS**

Ms. MITCHELL. Since the MOVE Act’s passage, States have taken significant steps to improve the absentee voting process for absent military and overseas citizen voters. For instance, in 2008, 13 States offered military and overseas voters the option of receiving a blank ballot by email. Today, 48 States offer this service by email. Forty-two States have enacted legislation authorizing changes to the absentee voting process for military and overseas citizen voters and implementing the MOVE Act reforms.

Some voters still encounter obstacles that can impede voter participation. For instance, witness requirements—especially when the witness must be a U.S. citizen—can pose a substantial hurdle for Peace Corps volunteers, missionaries or other Americans who may be serving in a remote area by themselves. Four States (Alabama, Alaska, Virginia and Wisconsin) still require a ballot envelope to be witnessed in order for the ballot to be counted.

Another obstacle is the decentralization of the election system and the sheer number of local election officials. Across the country, there are over 7,300 local election officials. Two States, Michigan and Wisconsin, have unusually decentralized election systems. Wisconsin alone has over 1,850 local election officials. Across Michigan, there are 11 municipalities called “Grant Townships,” each with its own local election official, and each with different contact information. For an absentee voter, figuring out where to send your election materials can be confusing and time consuming. At the other end of the spectrum, two States (Alaska and Maine) have a single, centralized point of contact for all overseas and military voters. That is a real benefit to voters. Though only ten States hold run-off elections, they vary greatly in how they treat absent military and overseas citizen voters. Texas changed the State election calendar in 2011 to allow 65 days in between the primary and run-off elections, ensuring that election officials could send blank ballots to military and overseas voters 45 days before each election. Timing issues remain in several of the other runoff States; the U.S. Department of Justice sued Georgia earlier this year for not allowing military and overseas voters an adequate opportunity to participate in that State’s primary runoff elections. [See page 12.]

**RESPONSE TO QUESTION SUBMITTED BY MR. WEST**

Ms. MITCHELL. As stated, the Department of Defense Office of the Inspector General (DODIG) reported investigators were only able to contact 114 Installation Voter Assistance (IVA) Offices. The Military Services have established 221 IVA Offices. The listing used by the DODIG in August 2012 was a March 2012 contact list. Information on this list changes regularly. Since that time, FVAP has worked with the Services to ensure accurate contact information for each office. In addition, FVAP has and will continue to contact every IVA Office weekly until the election.

FVAP did review the processes and procedures for the program from 2010 and the results are contained in the 2010 Post Election Survey Report. As indicated in the Report, FVAP provided extensive in-person and Webinar training for the new MOVE Act requirement for Installation Voter Assistance (IVA) Offices as indicated on pages 37–38. Pages 54–57 detail the Services MOVE Act implementation activities.

A copy of the 2010 report may be found at: <http://www.fvap.gov/resources/media/2010report.pdf>. [See page 14.]



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**QUESTIONS SUBMITTED BY MEMBERS POST HEARING**

SEPTEMBER 13, 2012

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### QUESTIONS SUBMITTED BY MRS. DAVIS

Mrs. DAVIS. In 2011, the Federal Voting Assistance Program (FVAP) arranged for the voting system testing laboratories to perform functionality and security testing on both online ballot marking systems and Internet voting systems. The results of these tests were to be made available to the public but as we rapidly approach the 2012 elections, these reports have yet to be published. These online ballot marking systems will be used in States across the country in the November elections, and election administrators could benefit from the results of these reports. What are FVAP's plans for releasing these test reports?

Ms. MITCHELL. These tests are at different stages of ongoing review. The early release of these results without a full vetting of issues and a thorough assessment would lead to incomplete and potentially inaccurate results. The first of the assessments will be released in December 2012, with all of the assessments being released by the end of the 2nd quarter.

Mrs. DAVIS. In 2010, FVAP received about \$9 million for research, development, testing and evaluation (RDT&E) of online balloting and Internet voting systems which was largely used for the funding of the Electronic Voting Support Wizards (EVSU). In 2011 and 2012, FVAP received a combined total of \$65 million for RDT&E for projects to assist military and overseas voters. Can your office provide a summary of the projects this money funded and what was learned from the research, development, evaluation and testing performed?

Ms. MITCHELL. Please see the listing of projects and activities below.

FY 2012 Research, Development, Test & Evaluation (RDTE)—Funds not yet executed (RDTE is two-year funding and can be spent over a two-year period.)

#### FY 2011 RDTE

- EASE Grants: The Electronic Absentee Systems for Elections (EASE) Grants Program provides funds to States and localities to enable military and overseas voters to use electronic systems such as online registration, absentee ballot requests, and blank ballot delivery. Reports, from grant recipients on the utility of these systems, are pending.
- Candidate database for R3: During the 2010 election cycle, FVAP implemented "R3," also referred to as FVAP's online wizards, a paperless, automated process system. R3 guides the voter through the completion of the Federal Post Card Application and the Federal Write-In Absentee Ballot. R3 now has the capability to import candidate data and allow FVAP staff to validate the data prior to presenting candidates to the public. This reduced FVAP's reliance on third party sources for candidate information and improved FVAP's ability to perform internal quality assurance reviews of this information.
- Voting Over the DISN-CAC Analysis: In support of the electronic voting demonstration project (aka, Internet voting project) pursuant to the 2002 and 2005 National Defense Authorization Acts (NDAA's), FVAP awarded a contract to study the feasibility of voting over the Defense Information Systems Network (DISN) using the Common Access Card (CAC) as an identification credential. Final deliverable was received in October 2012 and is being reviewed.
- Non Technical Research: FVAP awarded contracts to study the following. This is ongoing research and results are not yet available.
  - Analysis of the processes employed by all strata of UOCAVA voters for potential deficiencies, risks, and pitfalls which serve as barriers to voting success.
  - To determine the differences of voting success rates between UOCAVA and non-UOCAVA voters in Federal elections across States that identify election data trends over time.
  - To assess and identify the social and behavioral factors that influence UOCAVA voters.
  - To complete a series of studies and analyses related to the security of voting systems that UOCAVA voters could use.

- Portal: FVAP awarded a contract to develop a dynamic, data-driven portal to replace its existing, static Web site (FVAP.gov). The portal will serve as the basis for the development of a series of Web services and applications designed to meet the needs of overseas military and overseas voter stakeholders. This effort has just begun.
- Kiosk: FVAP awarded a contract to obtain two reports reflecting lessons learned from the 2008 Okaloosa County's Internet voting pilot project, with the second report directly applying lessons learned into an operational framework for potential use as a future demonstration project. This work is ongoing and results are not yet available.
- OCC Survey: FVAP awarded a contract to develop a scientifically based estimate of the U.S. overseas citizen population. This work is ongoing and results are not yet available.

#### FY 2010 RDTE

- Electronic Voting Assistance Wizard (EVSZ): Pilot program for online blank ballot delivery and marking wizard to allow military and overseas voters to receive and mark, online, their absentee ballots. Results of this effort are pending internal Department review and compilation of a final report.
- Operation Vote: FVAP conducted extensive research, testing, and evaluation of Kiosk and PC voting systems with the intent of supporting disabled military members, military members, their spouses and dependents, and overseas citizen voters to register and vote successfully with a minimum amount of effort. Full results of this effort are pending final internal review. However, one valuable outcome already promulgated was a checklist and handbook for voting assistance officers to use in helping wounded warriors exercise their right to vote.

Mrs. DAVIS. According to a mandate in the FY05NDAA, the U.S. Election Assistance Commission (EAC) is responsible for developing the guidelines for a remote electronic voting demonstration project to be carried out by the FVAP once the EAC creates these guidelines. In May, NIST issued a statement warning that secure Internet voting is not currently feasible and that more research is needed. In light of this development, has FVAP adjusted its proposed timeline for a remote electronic voting demonstration project? Does FVAP plan to alter any of its proposed research and development projects for 2012 and 2013?

Ms. MITCHELL. At this time, FVAP does not anticipate implementing the electronic voting demonstration project without applicable standards in place as referenced in the FY05 NDAA. FVAP, the EAC, and NIST have worked collaboratively over the last few years to chart a responsible course forward in adhering to the outstanding Congressional requirement for the conduct of an electronic voting demonstration project. FVAP continues to focus on supporting research that will help drive the standards development process itself, and does not currently plan to alter any of the ongoing research and development projects for 2012 and 2013.

FVAP is currently engaged in both technical and non-technical research in support of the outstanding concerns regarding Internet voting security:

#### Technical Research Initiatives:

- Conduct research on the relative security and privacy risks of the current postal balloting experience versus a potential Internet solution (i.e., electronic voting demonstration project) to establish the relative security risks of each and identify potential trade-offs.
- Research the relative technical processes associated with using the Defense Information System Network (DISN) and Common Access Card (CAC) to mitigate security risks in response to NIST's concerns about public networks.
- Explore the viability of existing software tools to document software integrity and reconcile voting system elements with Federal information security guidelines.

#### Non-Technical Research Initiatives:

- Document the overall failure rates for UOCAVA voters and validate past research data to fully document the level of difficulties experienced by UOCAVA voters in casting ballots.
- Examine pilot program alternatives to the electronic voting demonstration project that do not expose voting systems to increase security risks.
- Further quantify the overseas civilian population to assist with overall assessment of FVAP program effectiveness and scope of future pilot projects.

All of the ongoing FVAP research attempts to answer outstanding policy questions and further assist the EAC and NIST with developing security standards.

Mrs. DAVIS. A NIST statement from May 2012 said, "NIST's research results indicate that additional research and development is needed to overcome these challenges before secure Internet voting will be feasible." Given NIST's statement, does FVAP currently encourage States to allow the electronic transmission of voted ballots for overseas and military voters? If so, what message does it communicate to State elections officials?

Ms. MITCHELL. No, FVAP does not advocate for Internet voting (online return of a voted ballot in a live election). FVAP currently encourages States to offer tools to Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters that focus on online registration and the electronic transmission of blank ballots.

FVAP's grants program researches the long-term effectiveness of various electronic voter support systems. These competitive grants are awarded to State and local election officials across a broad spectrum of electronic absentee voting initiatives. The final terms and conditions of these awards specifically preclude use of grant funding for electronic transmission of voted ballots in an actual election via the Internet, email, or facsimile.

