Improving Voting for Overseas Citizens, Military Personnel and Their Dependents

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Abstract US citizens living overseas as well as active duty military personnel have unique and long-standing challenges in exercising their right to register and cast their vote by absentee in US elections—lack of physical mobility, residing in remote areas, varying laws and policies, as well as limited access to voting information and the actual voting process. The complex US overseas election system is further complicated by the administrative role played by all 50 states, the District of Columbia, and the territories. This case study will explore the work of The Council of State Government's Overseas Voting Initiative from 2014 to 2018 and the initiative's efforts to improve the voting process for American military personnel, their families, and civilian citizens residing overseas.

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31

US citizens living overseas have unique and long-standing challenges in exercising their right to register and cast their vote by absentee ballot in US elections. Many active duty military personnel lack mobility and live in remote areas abroad. Compared to US citizens living stateside, overseas citizens have limited access to the voting process. The US overseas election system is complex in design and administration as it involves the coordination of federal, state, and local governments to carry out their legal responsibilities. The time associated with transmitting ballots overseas and back as well as varying laws, policies, and procedures administered in the 50 states, the District of Columbia, and territories are other realities facing overseas voters.

To help improve the US military and overseas voting process, The Council of State Governments (CSG) in 2013 partnered with the US Department of Defense's Federal Voting Assistance Program (FVAP) to launch the CSG Overseas Voting Initiative. FVAP is mandated by federal law for establishing and maintaining a program to assist all eligible US service members and overseas citizens in registering to vote and casting ballots. The primary purpose of this $3.2 million initiative is to improve the voting process for American military personnel, their families, and civilian citizens residing overseas. CSG is uniquely qualified for this effort as it maintains decades of experience convening forums that foster the exchange of insights and ideas to help state officials shape public policy. Founded in 1933, CSG is the only national membership organization serving all three branches of state government and offering unparalleled regional, national, and international opportunities to network, develop leaders, collaborate, and create problem-solving partnerships.

Serving as CSG's Director of Election Policy and Programming for over four years, I oversaw the convening and support of bipartisan working advisory groups of state and local election administrators focused on policy, technology, and survey analysis that promote evidence-based best practices as well as facilitate data standardization policy solutions affecting over 5 million US military and civilian overseas eligible registered voters. Previously, I served as the State of Georgia's Help America Vote Act Program Manager for the Georgia Secretary of State in Atlanta, with an $85 million budget for election administration in 881 local jurisdictions in the State of Georgia. The Help America Vote Act is a federal election reform law which provides funding for states to modernize voter registration systems, improve election administration, expand disability access and voting technology for voters stateside as well as for those residing overseas

(e.g., members of the seven uniformed services, members of US Merchant Marine, US citizens employed by the federal government residing outside the United States, and other private US citizens residing outside the United States). In that role, I had the privilege and honor of hosting international election observation delegations representing Rwanda, Japan, Ethiopia, and China that involved firsthand demonstrations of election administration, election campaigning, voting, counting and tabulation processes, and other issues related to the overall electoral process in the United States.

The CSG Overseas Voting Initiative Policy Working Group was created to examine military and overseas voting recommendations from President Barack Obama's Presidential Commission on Election Administration as well as other successful programs and practices across the country. This working group was a very important starting point for the Overseas Voting Initiative as it identified military and overseas voting barriers that election administrators could focus on and proactively address in their official roles without the creation of new laws or expanding their office budgets. The policy working group's recommendations focused on voter communication, voter registration, and US military community engagement.

With respect to voter communication, the policy working group recommended that election administrators communicating with US military and overseas voters use clear, concise, accessible written and verbal communications at every step in the voting process. Furthermore, election information and materials should be designed in a manner that makes it as easy as possible for all voters to understand. Specific suggestions include providing checklists to the voter explaining step by step how to vote and return ballots would help improve the overall voting experience and process. Also, state policymakers should refrain from prescribing specific language for voter communications into statute and instead provide local and state election officials with some degree of flexibility to tailor communications as circumstances require. The working group also recommended that election administrators make effective use of websites and social media (Twitter, Instagram, LinkedIn, etc.), create more user-friendly electronic ballot return envelopes, communicate to voters when the ballot application is accepted, and provide as much information as possible to voters about what is on the ballot.

With respect to voter registration, overseas citizens and the dependents of military and overseas citizens registering to vote can be difficult because of variations in state voter registration requirements and postal reliability

problems in certain countries. The policy working group recommended that if states provide online voter registration for their voters then they should incorporate the same service for overseas and military voters. When this CSG effort first began, 29 states administered online voter registration systems, now 38 states provide this service and the number is climbing. The Federal Post Card Application was initially created to simplify the US overseas voting experience by condensing a voter registration request and ballot request into one singular form for use in federal elections. Since then, states have accepted the form but have placed varying validity timeline limits. The working group recommended that all states treat the Federal Post Card Application as a permanent request for voter registration and establish a default validity period for the ballot request.

With respect to US military community engagement, the policy working group featured and recommended existing and successful state and local partnerships across the country as examples to follow. Successful and innovative partnership examples include direct outreach that involves the recruitment of military spouses to work and volunteer in local and state election offices. Another example is, a focus on social media and the sharing of FVAP videos and written content on local and state election administration websites as well as working with military installations and their voting assistance officers (Fig. 4.1).
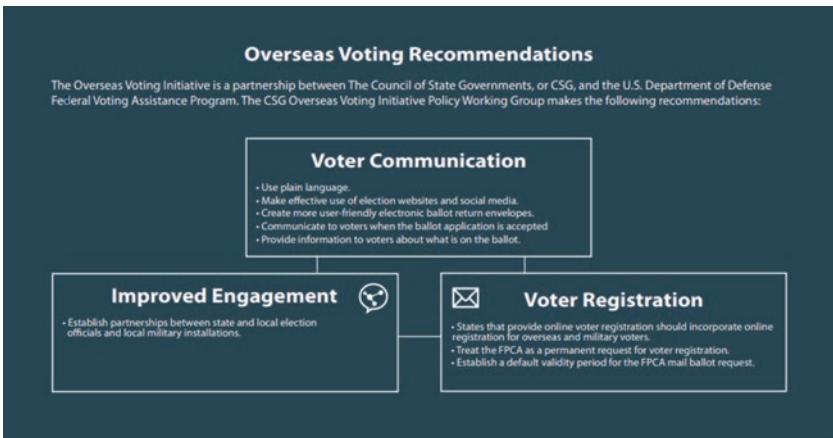

Fig. 4.1   Overseas voting initiative

The CSG Overseas Voting Initiative's Technology Working Group was created to explore the role of technology in the military and overseas voting process and determine how technology can be used to make further improvements. States have long been innovators in the use of technology in elections. Identifying and disseminating best practices has long been a strength of CSG and this working group built upon the existing work pioneered in many states. The technology working group's recommendations focused on unreadable/damaged ballot duplication, common access card/digital signature verification, and data standardization/performance metrics.

In all 50 states, the District of Columbia, and territories, certain qualified voters can cast paper ballots using a vote by mail or absentee voting process. Many of these voters are in fact US military and overseas voters. According to the US Election Assistance Commission's Election Administration and Voting Survey, in the last midterm national election (November 2014), more than 14 million absentee ballots were cast nationwide. Through the course of a ballot's delivery from a voter overseas to their local election office stateside for tabulation, a ballot can be torn or damaged, accrue coffee spills, wrinkles, and tears. Ballots can also be filled out using inappropriate marking devices. With respect to unreadable/damaged ballot duplication, the technology working group recommended that states and local jurisdictions administer a ballot duplication process for unreadable and damaged ballots that is appropriate for the number of paper ballots they process. Also, whether a jurisdiction uses a manual or an electronic ballot duplication process for unreadable and damaged ballots, there should be clear procedures employed that ensure auditability. Technologies for ballot duplication of unreadable and damaged ballots should be easy to use and promote transparency not only for election officials, but for external observers as well.

The US Department of Defense is the largest employer in the world. The Common Access Card (CAC) also commonly referred to as the CAC is the Defense Department's standard identification for active duty personnel, civilian and contractor employers. It also meets the security requirements of two-factor authentication as well as digital signature and data encryption technologies. The technology working group recommended that all states should incorporate the use of CAC cards in the US military and overseas voting process by accepting the card's digital signature as a voter identity verification requirement. States and local election

officials should also coordinate with FVAP to develop CAC digital signature educational resources to better inform voters about the technology and process.

There is an abundance of election information and data being tracked and maintained in the states that can be used to understand the effectiveness of the US military and overseas voting process. A long-standing problem has always been that states track, categorize, and identify voting behavior and corresponding transactions differently which doesn't allow for an accurate apples-to-apples comparative analysis. To address this issue, the technology working group recommended that state and local election officials work with FVAP and the US Election Assistance Commission to adopt and implement the Election Administration and Voting Survey Section B Data Standard, recognizing that it is the best vehicle for standardizing military and overseas voting data being tracked in the 50 states, the District of Columbia, and territories. The working group also recommended that CSG and state election officials should work with FVAP to identify a method or partner agency that can support automated data collection and validation to ensure the continued use of this standard that solely focuses on the US military and overseas voting community. Lastly, FVAP should continue to work cooperatively with the US Election Assistance Commission and the National Institute of Standards and Technology to establish data repositories and related standards to support the long-term sustainability of the Election Administration and Voting Survey Section B Data Standard.

All the work detailed in this article made significant progress in improving the US military and civilian overseas voting process. However, additional priorities were identified throughout the course of the work. Beginning this year in 2019, The Council of State Governments and the Federal Voting Assistance Program are partnering again to educate state policymakers about overseas voting issues. This new five-year, $3.9 million effort will further help uniformed services personnel and other US citizens overseas vote in federal elections. This new partnership will allow state policymakers to better understand FVAP's mission and election administration best practices serving US military and overseas voters. In addition, the partnership will access better data to evaluate the impact of federal election laws as well as the market viability and usability of electronic blank ballot delivery systems in use in the states.