

April 2006

# ELECTIONS

## Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, but Challenges Remain





Highlights of [GAO-06-521](#), a report to congressional addressees

## Why GAO Did This Study

The narrow margin of victory in the 2000 presidential election raised concerns about the extent to which members of the military, their dependents, and U.S. citizens living abroad were able to vote via absentee ballot. In September 2001, GAO made recommendations to address variances in the Department of Defense's (DOD) Federal Voting Assistance Program (FVAP). Along with the military services and the Department of State (DOS), FVAP is responsible for educating and assisting military personnel and overseas citizens in the absentee voting process. Leading up to the 2004 presidential election, Members of Congress raised concerns about efforts under FVAP to facilitate absentee voting. Because of broad Congressional interest, GAO initiated a review under the Comptroller General's authority to address three questions: (1) How did FVAP's assistance efforts differ between the 2000 and 2004 presidential elections? (2) What actions did DOD and DOS take in response to prior GAO recommendations on absentee voting? and (3) What challenges remain in providing voting assistance to military personnel and overseas citizens? This review is one of several GAO reviews related to various aspects of the 2004 election.

GAO provided DOD and DOS with a draft of this report for comment, and they both generally concurred with the report's contents.

[www.gao.gov/cgi-bin/getrpt?GAO-06-521](http://www.gao.gov/cgi-bin/getrpt?GAO-06-521).

To view the full product, including the scope and methodology, click on the link above. For more information, contact Derek B. Stewart at (202) 512-5559 or [stewartd@gao.gov](mailto:stewartd@gao.gov).

## ELECTIONS

# Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, but Challenges Remain

## What GAO Found

For the 2004 presidential election, FVAP expanded its efforts beyond those taken for the 2000 election to provide military personnel and overseas citizens tools needed to vote by absentee ballot. With 13 full-time staff members and a fiscal year 2004 budget of about \$6 million, FVAP distributed more voting materials and modified its Web site, which includes absentee voting information, and made it accessible to more military and overseas citizens worldwide. It also added an online voting assistance training program and an online version of the Federal Write-in Absentee Ballot. FVAP also conducted 164 voting training workshops for military servicemembers and overseas citizens, as compared to 62 workshops for the 2000 election. In its 2005 report on the effectiveness of its federal voting assistance program, on the basis of its postelection surveys, FVAP attributed higher 2004 voter participation rates to the effective implementation of its voter outreach program. However, because of low survey response rates, GAO has concerns about FVAP's ability to project changes in voter participation rates between the 2000 and 2004 elections.

In 2001, GAO recommended that DOD and DOS revise their voting guidance, improve program oversight, and increase command emphasis to reduce the variance in voting assistance to military servicemembers and overseas citizens. DOD and DOS took actions to implement these recommendations; however, absentee voting assistance continued to vary. Voting Assistance Officers (VAOs) provide voting assistance as a collateral duty. Because of competing demands on VAOs and differences in their understanding and interest in the voting process, some variance in absentee voting assistance may always exist. DOD and DOS plan to continue their efforts to improve absentee voting assistance.

Despite the efforts of FVAP, DOD, and DOS, GAO identified three challenges that remain in providing absentee voting assistance to military personnel and overseas citizens. One challenge involves simplifying and standardizing the time-consuming, multistep absentee voting process, which has different requirements and time frames established by each state. In attempting to simplify and standardize the absentee voting process, FVAP continued working with the states through its Legislative Initiatives program to facilitate absentee voting for military servicemembers and overseas citizens. Another challenge involves efforts to implement an electronic registration and voting system given persistent issues regarding security and privacy. For the 2004 election, FVAP developed an electronic voting experiment that it planned to make available to the entire military, their dependents, and overseas citizens; however, the experiment was never implemented because of security concerns publicly raised by four of the ten members of a peer review group. A challenge for DOS is having the ability to reach all overseas citizens. Overseas citizens are not required to provide contact information to an embassy or consulate. If these citizens do not provide appropriate contact information, DOS cannot proactively reach these overseas voters.

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# Contents

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<b>Letter</b>		<b>1</b>
	Results in Brief	3
	Background	4
	FVAP Expanded Its 2004 Voting Assistance Efforts	6
	DOD and DOS Implemented Prior Recommendations on Absentee Voting; However, Assistance Continued to Vary	11
	Some Challenges Remain in Providing Absentee Voting Assistance	18
	Agency Comments and Our Evaluation	26
<b>Appendix I</b>	<b>Scope and Methodology</b>	<b>31</b>
<b>Appendix II</b>	<b>Related GAO Reports</b>	<b>34</b>
<b>Appendix III</b>	<b>Comments from the Department of Defense</b>	<b>35</b>
<b>Appendix IV</b>	<b>Comments from the Department of State</b>	<b>37</b>
<b>Appendix V</b>	<b>GAO Contact and Staff Acknowledgments</b>	<b>40</b>
<b>Tables</b>		
	Table 1: Sample Sizes and Response Rates for FVAP's Postelection Surveys	10
	Table 2: Number of Agreements with FVAP's Legislative Initiatives	23

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## Abbreviations

DEERS	Defense Enrollment Eligibility Reporting System
DOD	Department of Defense
DOS	Department of State
FPCA	Federal Post Card Application
FVAP	Federal Voting Assistance Program
IVAS	Interim Voting Assistance System
SERVE	Secure Electronic Registration and Voting Experiment
UOCAVA	Uniformed and Overseas Citizens Absentee Voting Act
USD (P&R)	Under Secretary of Defense for Personnel and Readiness
VAO	Voting Assistance Officer

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United States Government Accountability Office  
Washington, DC 20548

April 7, 2006

Congressional Addressees:

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) established that members of the U.S. military, their dependents of voting age, and American citizens no longer maintaining a permanent residence in the United States are eligible to participate by absentee ballot in all federal elections. The act covers more than 6.5 million people, including approximately 3.7 million overseas citizens not affiliated with the government (about 2 million of which are of voting age), 1.4 million military servicemembers, and 1.3 million military dependents of voting age. Executive Order 12642, dated June 8, 1988, designated the Secretary of Defense or his designee as responsible for carrying out the federal functions under UOCAVA. In 2001, we reported that the Department of Defense's (DOD) and the Department of State's (DOS) voting assistance to military and overseas citizens should be improved.<sup>1</sup> Specifically, the review disclosed that while DOD's Federal Voting Assistance Program (FVAP) provided some useful voting information resources for voters and voting assistance officers (VAOs), many potential voters were unaware of them. The report also stated that the military services varied in their implementation of the absentee voting program.

Leading up to the 2004 presidential election, Members of Congress and media reports raised concerns about inadequate absentee voting assistance for military servicemembers and overseas citizens. Because of this broad congressional interest, we initiated this review under the Comptroller General's authority, to examine the status of FVAP efforts to facilitate absentee voting by military personnel and overseas citizens for the 2004 presidential election. Specifically, our objectives were to (1) determine how FVAP's efforts to facilitate absentee voting by military personnel and overseas citizens differed between the 2000 and 2004 presidential elections, (2) identify actions taken by DOD and DOS in response to prior GAO recommendations on absentee voting, and (3) identify challenges that remain in providing voting assistance to

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<sup>1</sup>GAO, *Elections: Voting Assistance to Military and Overseas Citizens Should Be Improved*, [GAO-01-1026](#) (Washington, D.C.: Sept. 28, 2001).

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military personnel and overseas citizens. This review is one of several GAO reviews related to various aspects of elections (see app. II).

To address all three objectives, we reviewed relevant reports prepared by GAO, FVAP, DOD, the Election Assistance Commission, and private nonprofit organizations that represent military and overseas citizens who participate in the election process via absentee voting. To determine differences in FVAP's voting assistance efforts between the 2000 and 2004 presidential elections, we reviewed relevant FVAP and DOD regulations and operating procedures related to absentee voting. We also met with a commissioner of the Election Assistance Commission and voting assistance representatives from FVAP, the military services, and DOS's Chief Voting Officer to obtain their views on efforts taken for the 2004 election. We examined projects and special initiatives undertaken by these organizations to address the absentee voting process. We also reviewed FVAP's 2005 report to Congress and the President and assessed its methodology for conducting its survey of voter participation among military and overseas citizens for the 2004 presidential election. To identify actions taken by DOD and DOS in response to prior GAO recommendations to reduce variance in program implementation, we reviewed prior GAO reports related to absentee voting. We held discussions with and reviewed documents from DOD and DOS representatives concerning actions taken in response to these recommendations. We also met with VAOs from each of the military services to discuss their voting assistance efforts and to identify whether there was consistency or variance in program implementation. To identify challenges that remain in providing voting assistance to military personnel and overseas citizens, we met with representatives of several organizations representing members of the military and American citizens living overseas. We also discussed challenges in providing voting assistance with VAOs from five judgmentally selected installations. In addition, we conducted 19 focus group discussions with 173 enlisted servicemembers and officers from each military service to discuss their views on challenges to absentee voting. Following each focus group discussion, we administered a short survey to each participant that solicited information related to individual absentee voting experiences and challenges. Comments provided by the focus group members cannot be projected across the entire military community because the participants were not selected using a statistically valid sampling methodology. We determined that the data we used were sufficiently reliable for the purpose of our report. We conducted our review from March 2005 through April 2006 in accordance with generally accepted government auditing

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standards. A more detailed description of our scope and methodology is contained in appendix I.

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## Results in Brief

For the 2004 presidential election, FVAP expanded its efforts beyond those taken for the 2000 election to provide military personnel and overseas citizens tools needed to vote by absentee ballot. FVAP distributed more absentee voting materials and improved the accessibility of its Web site, which includes voting information. Also, FVAP conducted 102 more voting training workshops than it did for the 2000 election, and it provided an online training course for VAOs. FVAP also designed an electronic version of the Federal Write-in Absentee Ballot—an emergency ballot accepted by all states and territories—although its availability was not announced until a few weeks before the election. In assessing its efforts for the 2004 election, using data from its postelection surveys, FVAP attributed increased voter participation rates to an effective voter information and education program. However, in light of low survey response rates, FVAP's estimates and conclusions should be interpreted with caution.

In 2001, we reported that voting assistance by DOD and DOS varied due to incomplete service guidance, lack of oversight, and insufficient command support. We recommended that DOD and DOS revise their voting guidance, improve program oversight, and increase command emphasis to reduce the variance in voting assistance to military servicemembers and overseas citizens. DOD and DOS implemented these recommendations. However, absentee voting assistance continued to vary because of the collateral nature of the VAO role and the fact that VAOs' understanding and interest in the voting process differ, among other things. Given these factors, some variance in absentee voting assistance may always exist. DOD and DOS plan to continue their efforts to improve absentee voting assistance.

We identified three challenges that remain in providing absentee voting assistance to military personnel and overseas citizens. One challenge involves simplifying and standardizing the time-consuming, multistep absentee voting process that has different requirements and time frames established by each state for requesting and submitting absentee voting materials. Although 49 states allow some form of electronic transmission of election materials for faster delivery, the U.S. Postal Service and military and international mail systems remain the primary methods for obtaining and returning required documents. As required by UOCAVA, FVAP continued to work with the states through its Legislative Initiatives program to facilitate the absentee voting process; however, the majority of

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states have not agreed to any new initiatives since FVAP's December 2001 report to Congress and the President on the effectiveness of its program. Another challenge involves efforts to implement an electronic registration and voting system, which have not progressed because of persistent issues regarding security and privacy. Since the 2000 election, FVAP implemented two electronic voting initiatives; however, one was not used by any voters, and the other was used only by a small number of participants. Implementing an electronic system would potentially eliminate some obstacles to absentee voting. Another challenge is DOS's inability to reach all overseas citizens. Although DOS made an extensive effort to provide absentee voting assistance to overseas citizens for the 2004 presidential election, it is impossible to know where all eligible overseas voters are located or to directly provide them information on absentee voting. Because overseas citizens have no obligation to register with the nearest embassy or consulate, DOS cannot know where they are located, thus it is unlikely that DOS will have the ability to proactively reach all overseas voters.

In commenting on a draft of this report, the Undersecretary of Defense for Personnel and Readiness and the Assistant Secretary for Consular Affairs within DOS generally concurred with the report's content.

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## Background

The narrow margin of victory in the 2000 presidential election raised concerns about the extent to which members of the military, their dependents, and U.S. citizens living abroad were able to vote via absentee ballot. The elections process within the United States is primarily the responsibility of the individual states and their election jurisdictions. States have considerable discretion in how they organize the elections process and this is reflected in the diversity of processes and deadlines that states have for voter registration and absentee voting, including diversity in the processes and deadlines that apply to military and overseas voters. Even when imposing requirements on the states in the Help America Vote Act of 2002, such as statewide voter registration systems and provisional voting, Congress left states discretion in how to implement those requirements and did not require uniformity.

Executive Order 12642, dated June 8, 1988, designated the Secretary of Defense or his designee as responsible for carrying out the federal functions under UOCAVA. UOCAVA requires the presidential designee to (1) compile and distribute information on state absentee voting procedures, (2) design absentee registration and voting materials, (3) work with state and local election officials in carrying out the act, and (4) report



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to Congress and the President after each presidential election on the effectiveness of the program's activities, including a statistical analysis on UOCAVA voter participation. DOD Directive 1000.4, dated April 14, 2004, is DOD's implementing guidance for the federal voting assistance program, and it assigned the Under Secretary of Defense for Personnel and Readiness (USD P&R) the responsibility for administering the program. The FVAP office, under the direction of the USD P&R, manages the program. For 2004, FVAP had a full-time staff of 13 and a fiscal year budget of approximately \$6 million. FVAP's mission is to (1) inform and educate U.S. citizens worldwide of their right to vote, (2) foster voting participation, and (3) protect the integrity of, and enhance, the electoral process at the federal, state, and local levels.

DOD Directive 1000.4 also sets forth DOD and service roles and responsibilities in providing voting education and assistance. In accordance with the directive, FVAP relies heavily upon the military services and DOS for distribution of absentee voting materials to individual UOCAVA citizens. According to the DOD directive, each military service is to appoint a senior service voting representative, assisted by a service voting action officer, to oversee the implementation of the service's voting assistance program. Also, the military services are to designate trained VAOs at every level of command to carry out voting education and assistance responsibilities to servicemembers and their eligible dependents. One VAO on each military installation should be assigned to coordinate voting efforts conducted by VAOs in subordinate units and tenant commands. Where possible, installation VAOs should be of the rank GS-12 civilian or higher, or pay grade O-4 officers or higher. In accordance with the DOD directive, commanders designate persons to serve as VAOs. Serving as a VAO is a collateral duty, to be performed along with the servicemember's other duties. Similarly, DOS, through its Bureau of Consular Affairs, embassies and consulates, carries out its voter assistance responsibilities by designating VAOs to provide assistance. The Foreign Affairs Manual contains absentee voting guidance for embassy and consulate VAOs, who also provide voting assistance as a collateral duty.

FVAP updates the Voting Action Plan—its primary voting guidance to DOD components and other agencies—every 2 years. The Voting Action Plan provides detailed guidance on implementing the federal functions of UOCAVA and DOD Directive 1000.4. It also tasks FVAP, DOD components, and all other participating federal agencies with specific responsibilities and provides a timeline for carrying out their roles. FVAP updated the plan for 2004–05; however, it was never approved by the Secretary of Defense,

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and it remained in draft form for the 2004 presidential election. FVAP and the services referred to the draft Voting Action Plan in implementing their voting assistance efforts for the 2004 election. To assist voters in the absentee voting process, FVAP also updates its Voting Assistance Guide every 2 years. The guide includes state-by-state instructions and timelines for completing the various voting forms and it also lists addresses for local election offices within each state.

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## **FVAP Expanded Its 2004 Voting Assistance Efforts**

For the 2004 presidential election, FVAP expanded its efforts beyond those taken in the 2000 election by providing military personnel and overseas citizens with more tools and information needed to vote by absentee ballot. First, FVAP distributed more voting materials, and improved its Web site to enable greater access for participants. Second, FVAP increased absentee voting training opportunities by providing more workshops and an online training course for the 2004 election. Third, FVAP developed an electronic version of the Federal Write-in Absentee Ballot, which is accepted by all states and U.S. territories. In its 2005 report to the Congress and the President on the effectiveness of its federal voting assistance program, on the basis of its postelection surveys, FVAP attributed higher 2004 voter participation rates to the effective implementation of its voter outreach program. However, because of low survey response rates, GAO has concerns about FVAP's ability to project changes in voter participation rates between the 2000 and 2004 presidential elections.

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## **FVAP Distributed More Voting Materials and Improved Access to Its Web Site**

For the 2000 election, we reported that voting materials, such as the Federal Post Card Application (FPCA)—the registration and absentee ballot request form for UOCAVA citizens—were not always available when needed. We were told by representatives from DOD and DOS that they had enough 2004 election materials for their potential absentee voters. Each service reported meeting the DOD requirement of 100 percent in-hand delivery of FPCAs to each servicemember by January 15. DOS also targeted 100 percent in-hand delivery of FPCAs to citizens employed with the embassies and consulates. According to DOS, FVAP initially provided DOS with the quantity of Voting Assistance Guides requested, however, because of high voter interest, additional copies were needed and obtained from the military services.

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After the 2000 presidential election, FVAP took steps to make its Web site more accessible to UOCAVA citizens worldwide by changing security parameters surrounding the site.<sup>2</sup> According to FVAP, prior to the 2004 election, its Web site was within the existing DOD “.mil” domain, which includes built-in security firewalls. Some overseas Internet service providers were consequently blocked from accessing this site because hackers were attempting to get into the DOD system. As a result, FVAP moved the site out of the DOD “.mil” domain to a less secure domain. In September 2004, FVAP issued a news release announcing this change and provided a list of Web site addresses that would allow access to the site. Nonetheless, representatives of overseas citizens’ organizations continued to report that some citizens were not able to access the site. FVAP acknowledged that the site was not accessible at times prior to the 2004 election, but said that this problem was limited to relatively small geographic areas and occurred because some networks employed independent protection mechanisms that prevented communication with FVAP’s system. Representatives from overseas citizens groups acknowledged that obtaining access to FVAP’s Web site was sometimes difficult, but this was caused by the Internet service provider and not by FVAP. They stated that they were able to get to FVAP’s Web site through other Web sites, such as Democrats and Republicans Abroad.

FVAP also added more election-related links to its Web site to assist UOCAVA citizens in the voting process. The Web site (which FVAP considers one of its primary vehicles for disseminating voting information and materials) provides downloadable voting forms and links to all of FVAP’s informational materials, such as the Voting Assistance Guide, Web sites of federal elected officials, state election sites, and U.S. overseas citizens’ organizations. It also contains contact information for FVAP and the military departments’ voting assistance programs. The representatives from overseas citizens’ organizations felt that FVAP’s Web site provided useful and valuable information concerning absentee voting. Although FVAP provided more resources to UOCAVA citizens concerning absentee voting, it is ultimately the responsibility of the voter to be aware of and understand these resources, and to take the actions needed to participate in the absentee voting process.

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<sup>2</sup><http://www.fvap.gov/>.

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## FVAP Increased Absentee Voting Training Opportunities

For the 2004 election, FVAP increased the number of VAO training workshops it conducted to 164. The workshops were conducted at U.S. embassies and military installations around the world, including installations where units were preparing to deploy. In contrast, only 62 training workshops were conducted for the 2000 election. FVAP conducts workshops during years of federal elections to train military and civilian VAOs in providing voting assistance. In March 2004, FVAP added an online training course to its Web site as an alternative to its in-person voting workshops. Military VAOs can take the military version and DOS civilian VAOs can take the civilian version of the online course, and both are available on CD-ROM. According to FVAP, completion of the workshop or the online course meets a DOD requirement that VAOs receive training every 2 years. Installation VAOs are responsible for monitoring completion of training. The training gives VAOs instructions for completing voting forms, discusses their responsibilities, and informs them about the resources available to conduct a successful voting assistance program.

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## FVAP Designed an Electronic Absentee Ballot Form

On October 21, 2004, just a few weeks prior to the election, FVAP issued a news release announcing an online version of the Federal Write-in Absentee Ballot, an emergency ballot accepted by all states and territories. UOCAVA citizens who do not receive their requested state absentee ballots in time to meet state deadlines for receipt of voted ballots can use the Federal Write-in Absentee Ballot. The national defense authorization act for fiscal year 2005 amended the eligibility criteria for using the Federal Write-in Absentee Ballot.<sup>3</sup> Prior to the change, a UOCAVA citizen had to be outside of the United States, have applied for a regular absentee ballot early enough to meet state election deadlines, and not have received the requested absentee ballot from the state. Under the new criteria, the Federal Write-in Absentee Ballot can also be used by military servicemembers stationed in the United States, as well as overseas. However, overseas civilian citizens cannot mail the Federal Write-in Absentee Ballot from within the United States.

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<sup>3</sup>Pub. L. No. 108-375, § 566 (2004).

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## FVAP's Report of Higher Voter Participation Should Be Interpreted with Caution

On the basis of its 2004 postelection surveys, FVAP reported higher voter participation rates among UOCAVA citizens in its quadrennial report to the Congress and the President on the effectiveness of its 2004 voting assistance efforts.<sup>4</sup> The report included a statistical analysis of voter participation and discussed experiences of uniformed servicemembers, federal civilians overseas, nonfederally employed overseas citizens, unit and DOS VAOs, and local election officials during the election, as well as a description of state-federal cooperation in carrying out the requirements of UOCAVA. However, the low survey response rates raise concerns about FVAP's ability to project increased voter participation rates among all categories of UOCAVA citizens.

We reported in 2001 that some absentee ballots became disqualified for various reasons, including improperly completed ballot return envelopes, failure to provide a signature, or lack of a valid residential address in the local jurisdiction.<sup>5</sup> We recommended that FVAP develop a methodology, in conjunction with state and local election jurisdictions, to gather nationally projectable data on disqualified military and overseas absentee ballots and reasons for their disqualification. In anticipation of gathering nationally projectable data, prior to the election, FVAP randomly selected approximately 1,000 local election officials to receive an advance copy of the postelection survey so they would know what information to collect during the election to complete the survey. The survey solicited a variety of information concerning the election process and absentee voting, such as the number of ballots issued, received, and counted, as well as reasons for ballot disqualification. In FVAP's 2005 report, it cited the top two reasons for disqualification as ballots were received too late or were returned as undeliverable.

FVAP also developed a survey for federal civilians overseas, nonfederally employed overseas citizens, military servicemembers, and VAOs for military units and DOS, which it sent after the election to elicit voting experiences with the absentee voting process. Table 1 displays FVAP's sample size and response rates for the various survey groups.

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<sup>4</sup>FVAP reported the following participation rate changes from the 2002 to 2004 election: uniformed services (69 percent to 79 percent), federal civilians overseas (65 percent to 80 percent), and nonfederally employed overseas citizens (37 percent to 58 percent).

<sup>5</sup>[GAO-01-1026](#).

**Table 1: Sample Sizes and Response Rates for FVAP's Postelection Surveys**

Survey group	Sample size	Response rates (percent)
Uniformed servicemembers	15,025	27%
Federal civilians overseas	3,000	28
Unit VAOs	5,000	32
DOS VAOs	240	87
Nonfederal civilians	6,000–7,500 <sup>a</sup>	16
Local election officials	1,013	52

Source: GAO generated from FVAP data.

<sup>a</sup>Based on five DOS geographic regions with 1,200–1,500 surveys per region. The regions included Africa, East Asia/Pacific, Europe, Near-east/South Asia, and the Western Hemisphere.

FVAP reported higher participation rates for all groups in the 2004 presidential election as compared with those reported for the 2000 election. FVAP attributed the higher voting participation rates to an effective voter information and education program that included command support and agency emphasis. State progress in simplifying absentee voting procedures and increased interest in the election were also cited as reasons for increased voting participation. However, low survey response rates raise concerns about FVAP's ability to project participation rate changes among UOCAVA citizens. While, according to FVAP, the 2004 postelection surveys were designed to provide national estimates, most of the surveys experienced low response rates. Although FVAP did not include the sample sizes and response rates in its report, five of the six groups surveyed had response rates that ranged from 16 to 52 percent; the remaining and smallest group surveyed achieved an 87 percent response rate. FVAP did not perform any analysis comparing those who responded to the surveys with those who did not respond. Such an analysis would allow researchers to determine if those who responded to the surveys are different in some way from those who did not respond. If it is determined that there is a difference between those who responded and those who did not, then the results cannot be generalized across the entire population of potential survey participants. In addition, FVAP did not analyze to account for sampling error. Sampling error occurs when a survey is sent to a sample of a population rather than to the entire population. While techniques exist to measure sampling error, FVAP did not use these techniques in their report. The practical difficulties in conducting surveys of this type may introduce other types of errors as well, commonly known as nonsampling errors. For example, errors can be introduced if (1) respondents have difficulty interpreting a particular question, (2) respondents have access to different information when

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answering a question, or (3) those entering raw survey data make keypunching errors.

FVAP also faced specific challenges in administering surveys to overseas citizens who voted absentee. In surveying overseas citizens, only a select number of embassies were chosen by DOS to administer the survey to overseas citizens. Because of confidentiality restrictions, FVAP was unable to obtain a list of federal civilians and nonfederally employed civilians living overseas, and had to rely on the embassies to select the people who received the surveys. Only citizens who had previously registered with the embassy had a chance to participate in the survey. U.S. citizens who lived overseas and were not registered with the embassy had no chance of being selected. The absence of a listing of all civilians overseas certainly contributes to the possibility of error associated with using a sample of the population. The response rate for nonfederal civilians was the lowest among all groups surveyed. As such, the views and voting experiences of the survey participants may not reflect those of and are not generalizable to all overseas citizens. As a result of known weaknesses in FVAP's reporting methodology, its estimates and conclusions should be interpreted with caution.

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### **DOD and DOS Implemented Prior Recommendations on Absentee Voting; However, Assistance Continued to Vary**

In 2001, we reported that implementation of the federal voting assistance program by DOD and DOS was uneven due to incomplete service guidance, lack of oversight, and insufficient command support. Prior to the 2004 presidential election, DOD and DOS implemented corrective actions that addressed our recommendations. However, the level of assistance continued to vary at the installations we visited and throughout the overseas civilian community. Because the VAO role is a collateral duty and VAOs' understanding and interest in the voting process differ, some variance in voting assistance may always exist. DOD and DOS plan to continue their efforts to improve absentee voting assistance.

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### **The Services and DOS Revised Their Voting Guidance and Enhanced Program Oversight**

In 2001, we reported that the services had not incorporated all of the key requirements of DOD Directive 1000.4 into their own voting policies, and that DOD exercised very little oversight of the military's voting assistance programs. The report also stated that the oversight of DOS's voting assistance program could be improved. These factors contributed to some installations not providing effective voting assistance. We recommended that the Secretary of Defense direct the services to revise their voting guidance to be in compliance with DOD's voting requirements, and

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provide for more voting program oversight through inspector general reviews and a lessons-learned program.

Subsequent to DOD's revision of Directive 1000.4, the services revised their guidance to reflect DOD's voting requirements. In the 2002–03 Voting Action Plan, FVAP implemented a best practices program to support the development and sharing of best practices used among VAOs in operating voting assistance programs. FVAP included guidance on its Web site and in its Voting Assistance Guide on how VAOs could identify and submit a best practice. Identified best practices for all the services are published on the FVAP Web site and in the Voting Information News—FVAP's monthly newsletter to VAOs.

We also recommended that the Secretary of State direct the Assistant Secretary of State for Consular Affairs to take a more active role in overseeing the voting assistance program by establishing

- processes for improving oversight and consistency across embassies and consulates, including reminding posts more frequently to use the Foreign Affairs Manual and related guidance for ordering supplies and to use the military postal system and the diplomatic pouch, and
- initiatives to improve outreach, including identifying best practices in a forum accessible to embassies and consulates, such as the Consular Affairs Web site.

In responding to these recommendations, DOS began maintaining a global listing of all of its VAOs and voting assistants and provided instructions to posts on administering their voting assistance programs. DOS revised chapter 7, which covers voting assistance, in its Foreign Affairs Manual and posted the manual, its 2004–05 Voting Action Plan, and other guidance on its intranet Web site for access by all its embassies and consulates. Although the revised version of this chapter was in draft form during the 2004 election and awaiting approval by the various DOS directorates, it was put on the DOS Web site in early 2004 for use by the embassies and consulates. The draft was approved in January 2006.

Representatives at the embassies and consulates also conducted numerous outreach efforts through warden messages,<sup>6</sup> embassy Web sites,

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<sup>6</sup>A warden message is a method for communicating with American citizens, similar to a phone tree, and it works best in a small area.



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and town hall meetings. The department's Chief Voting Officer maintained contact with the various embassy VAOs and voting assistants throughout the year, providing information on absentee voting procedures, voter education and outreach campaigns, and various registration and voting deadlines. The DOS Chief Voting Officer also received periodic updates on the status of the embassies' voting assistance efforts. While DOS did not develop a formal lessons-learned program, the Chief Voting Officer said that he solicited ideas and best practices from each of the embassies and consulates. These practices were incorporated into instructions for the 2004 election that were distributed throughout the organization via its Web site and e-mail traffic.

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## Top-level Command Emphasis Increased

For the 2004 election, emphasis on voting education and awareness increased throughout the top levels of command within DOD and DOS. In 2001, we reported that lack of DOD command support contributed to the mixed success of the services' voting programs and recommended that the Senior Service Voting Representatives monitor and periodically report to FVAP on the level of installation command support. To ensure command awareness and involvement in implementing the voting assistance program, in late 2003 the USD P&R began holding monthly meetings with FVAP and the Senior Service Voting Representatives and discussed the status of service voting assistance programs. In 2001, we also reported that some installations and units did not appoint VAOs as required by DOD Directive 1000.4. In March 2004, the Secretary of Defense and Deputy Secretary of Defense issued memorandums to the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and Commanders of the Combatant Commands, directing them to support voting at all levels of command. These memorandums were issued to ensure that voting materials were made available to all units and that VAOs were assigned and available to assist voters. Also, the Chairman of the Joint Chiefs of Staff recorded a DOD-wide message regarding the opportunity to vote and ways in which VAOs could provide assistance. This message was used by FVAP in its training presentations and was distributed to military installations worldwide. During our review, we found that each service reported to DOD that it assigned VAOs at all levels of command.

Voting representatives from each service utilized a variety of servicewide communications to disseminate voting information and stressed the importance of voting. For example, the Marine Corps produced a videotaped interview stressing the importance of voting that was distributed throughout the Marine Corps. The Army included absentee

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voting information in a pop-up message that was included on every soldier's e-mail account. In each service, the Voting Action Officer sent periodic messages to unit VAOs, reminding them of key voting dates and areas to focus on as the election drew closer. Throughout the organizational structure, these VAOs contacted servicemembers through servicewide e-mail messages, which contained information on how to get voting assistance and reminders of voting deadlines. According to service voting representatives, some components put together media campaigns that included reminders in base newspapers, billboards, and radio and closed circuit television programs. They also displayed posters in areas frequented by servicemembers (such as exchanges, fitness centers, commissaries, and food court areas).

DOS's top-level leadership also increased its emphasis on absentee voting for the 2004 election. The department's Senior Voting Representative provided an article in the September 2003 issue of FVAP's Voting Information News, which was available on FVAP's Web site. This article reminded overseas voters of the upcoming presidential primary election and the time frame for registering and requesting absentee ballots. It also reminded all involved that starting early in the process was key to a successful program. Identifying and training volunteers from the civilian American community were also emphasized as ways to multiply the effectiveness of the VAO. Also discussed was the availability of the embassy community and its resources, meetings with local communities, and using local media to get the word out on absentee voting. Throughout the year, the Chief Voting Officer sent messages to the posts concerning the absentee voting process and various deadlines. DOS also used its embassies and consulates, various private organizations, and the local media to disseminate FVAP voting materials and information. These organizations conducted various outreach efforts, including holding town hall meetings, sending messages from the VAO to overseas citizens concerning absentee voting, and holding voter registration drives. As the election deadline approached, the department intensified its efforts to assist overseas citizens in voting absentee. For example, in early October 2004, a consular general placed hundreds of Federal Write-in Absentee Ballots on a supply plane headed to Antarctica and sent an e-mail message to overseas citizens there, urging them to drop off completed ballots or fill out emergency ballots while the plane was on the ground in that country. In late October 2004, one consulate sent an e-mail containing last-minute voting information to all Americans in the district and attempted to telephone those who could not be reached by e-mail.

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DOS encouraged all of its VAOs and voting assistants to set a goal of 100 percent in-hand delivery of FPCAs to the official American community by approximately June 30, 2004. It defined this community as the U.S. citizens employed at the embassies, consulates, or other U.S. missions in the various countries for whom they had appropriate contact information. In addition to this goal, the Chief Voting Officer also suggested that officers transferring to a post should receive FPCAs as part of their post welcome kit or shortly after their arrival at a post.

DOS also worked with courier services to obtain discounted or free delivery of requests for ballots and voted ballots. While the arrangements varied by country, generally the courier would allow overseas citizens, with proper identification, to ship ballot materials to their local election offices at reduced or no cost. The voter was required to go to a shipping office of the courier and complete the shipping paperwork, and the package would be mailed.

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## Voting Assistance Continued to Vary

The services and DOS revised their voting guidance, increased top-level support, and improved program oversight. However, voting assistance to servicemembers and overseas citizens continued to vary. Based on our analysis of information from our focus groups, we determined that the voting assistance that servicemembers received varied from unit to unit for several reasons, including (1) the fact that the VAO role is a collateral duty, (2) varying individual VAO understanding and interest in the voting process, (3) differing levels of VAO training, and (4) the command's mobilization status. Also, in discussions with DOS's Chief Voting Officer, we were told that the level of DOS voting assistance varied according to the level of development in the country, the security climate, and the quality of the host country's infrastructure. The variation in voting assistance provided by DOD and DOS may have caused some potential voters to be unaware of relevant voting tools. Given these factors, some variance in absentee voting assistance may always exist; however, DOD and DOS plan to continue efforts to improve the process.

VAOs play a crucial role in informing citizens of the availability and usefulness of FVAP's resources. Providing voting assistance is a collateral duty; those appointed are faced with time constraints in providing voting assistance to military servicemembers and overseas citizens, and are expected to fulfill these duties in addition to their primary duties as warfighters and mission support staff. Furthermore, military personnel rotate to new assignments periodically, creating turnover in the voting assistance program. VAOs at each installation we visited commented that

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it was difficult to be effective because of the normal but competing mission requirements they had to fulfill while simultaneously performing their VAO responsibilities. For example, VAOs at two installations said their workload increased because of additional tasks that included responding to voting-related requirements from the head of the service, answering surveys on whether servicemembers were being educated on voting, and completing numerous reports on contacts with servicemembers.

The level of understanding and interest shown by some VAOs toward their duties may have also affected the voting assistance they provided. At one installation we visited, VAOs said they were directed by their commanding officer to serve as VAOs, while at two other installations we visited, some VAOs said they had volunteered for the role. VAOs who volunteered appeared to be more interested and took the initiative to learn more about voting than some of the VAOs who were appointed. At one installation we visited, disinterest in being a VAO was evident in VAOs who thought it was the responsibility of the voter to get the necessary information to vote via absentee ballot.

While the VAOs we spoke with were generally knowledgeable about DOD's voting requirements, we found that the extent to which they were trained to provide voting assistance varied, as we reported in September 2001.<sup>7</sup> At four of the installations we visited, none of the VAOs we met with had attended an FVAP workshop and VAOs at one of these installations said they had not received any training. A Voting Action Officer from one service stated that travel to a workshop location was a problem because there was no specific funding for VAO training. At one installation, VAOs cited time constraints and high turnover as reasons for not being trained to provide voting assistance. VAOs from another installation suggested that voting training should be shortened to include only the key items VAOs need to know to provide assistance, such as instructions for completing the FPCA. At one other installation, many VAOs had attended an FVAP workshop and others had taken the online training. A VAO unable to attend a workshop is allowed by DOD Directive 1000.4 to take the online training course to meet the requirement for VAO training. Our review of FVAP's online course showed that it provided an overview of VAO roles and responsibilities, included a section on using the Federal Write-in Absentee Ballot, and cited several other resources available for

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<sup>7</sup>[GAO-01-1026](#).

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absentee voting assistance, such as the Voting Assistance Guide, FVAP's Web site, and the Voting Information News—resources that we found to be helpful in providing voting assistance. For example, the Voting Assistance Guide has a chapter titled *Instructions for Voting Assistance Officers*, which provides instructions on 23 areas related to absentee voting.

The extent of training had an effect on the level of voting assistance provided to potential voters in some locations. For example, we found one installation VAO who was not aware of the online Federal Write-in Absentee Ballot or the revised criteria for its use, and therefore was unable to assist other VAOs and servicemembers in using the online form. However, a VAO at another installation said he was aware of the ability to use this ballot, and his unit used as many as 125 during the 2004 presidential election.

At one installation, some VAOs said the online training was more useful than the workshop but at another installation some VAOs did not find the online training very helpful, commenting that it was difficult to find on FVAP's Web site, was not user-friendly, or took too much time to complete. At another installation, VAOs commented that training workshops tailored to specific installations would be beneficial and would cause more VAOs to attend. For example, this training could include specific tasks related to new recruits at a training installation. Additionally, VAOs commented that training is good only for a limited time. By the time a presidential election occurs, much of the training they received earlier in the year is forgotten.

The command's mobilization status also affected the level of voting assistance provided by VAOs. Specifically, one location we visited had many ground units deployed or preparing to deploy during the 2004 election and absentee voting was not a priority. Officials stated that voting was mentioned but was not a top priority when compared with other deployment issues, such as preparing powers-of-attorney and wills and concentrating on troop movements while in theater. Conversely, we were told by ship-based servicemembers that they had no reason to be unaware of absentee voting, given the enclosed boundaries of their ship, even while deployed. During our review, a few servicemembers who were deployed during the election told us that voting was mentioned at their deployed location but there were other things going on that took priority.

According to the DOS Chief Voting Officer, the level of voter assistance for overseas citizens also varied according to the level of development in the

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country, the security climate, and the quality of the host country's infrastructure. For example, the reliability of the mail system, working telephones, passable road networks, and even the existence of electric power grids play important roles, and require VAOs to use different means in different places to help citizens register and vote. Also, in industrial locations within a country, e-mail and warden messages could be an effective primary means of communication, whereas in rural locations within the same country, the means of communication might be a person on foot taking information to an American citizen. According to the department's Senior Voting Representative, most embassies, consulates, and U.S. news organizations reported extraordinary increases in the number of Americans abroad who registered and planned to vote in the 2004 general election. Contributing factors to this increase appear to be greatly expanded voter education and outreach, the closeness of the vote in the 2000 election, and reaction to world events over the past 4 years.

Despite the outreach effort of DOS for the 2004 election, representatives of some overseas citizens' groups we spoke with believed there was still a lack of adequate DOS outreach to overseas citizens, especially in comparison with the outreach they believe was provided to military servicemembers. DOS reported that it received relatively few complaints from Americans abroad and that most complaints were from infrequent or first-time voters confused by the absentee voting process. Some voters complained that they failed to receive a ballot from their local election officials, and a few claimed they experienced difficulties when attempting to contact embassies or consulates by phone. DOS reported that it acted quickly to address each of these concerns.

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## Some Challenges Remain in Providing Absentee Voting Assistance

Despite the efforts of FVAP, DOD, and DOS, we identified three challenges that remain in providing voting assistance to military personnel and overseas citizens, which are:

- simplifying and standardizing the time-consuming and multistep absentee voting process, which includes different requirements and time frames for each state;<sup>8</sup>
- developing and implementing a secure electronic registration and voting system; and

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<sup>8</sup>This also applies to the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

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- proactively reaching all overseas citizens.
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## Simplifying and Standardizing the Absentee Voting Process

FVAP has attempted to make the absentee voting process easier by encouraging states to simplify the multistep process and standardize their absentee voting requirements. FVAP's Legislative Initiatives program has encouraged states to adopt changes to improve the absentee voting process for military and overseas citizens. The current absentee voting process requires the potential voter to take the following four steps: (1) register and request an absentee ballot, (2) receive the ballot from the local election office, (3) correctly complete the ballot, and (4) return it (generally through the mail) in time to be counted for the election. Knowing when to complete the first step of this process can be challenging, as evidenced by an explanation given by the DOS Chief Voting Officer in responding to the question, "When is the deadline for submission of the FPCA?" The voting officer responded:

The simplest and most truthful answer is that it all depends. Does the voter want to participate in Presidential primary elections, state primary elections, run-off elections, special elections and the November general election? To answer that question, you'll need to ask several questions. (1) What is the voter's state of voting residence? (2) Is the voter already or still registered to vote? (3) Does the voter's state send out absentee ballots early or late? and (4) Are remoteness or poor mail service considerations for the voter?

Answering these questions is also a challenge for voters, given that each state has its own deadlines for receipt of FPCAs, and the deadline is different depending on whether or not the voter is already registered. For example, according to the Voting Assistance Guide, Montana requires a voter that has not previously registered to submit an FPCA at least 30 days prior to the election. A voter who is already registered must ensure that the FPCA is received by the County Election Administrator by noon on the day before the election. For Idaho voters, the FPCA must be postmarked by the 25th day before the election, if they are not currently registered. If they are registered, the County Clerk must receive the FPCA by 5:00 p.m. on the 6th day before the election. For Virginia uniformed services voters, the FPCA must arrive not later than 5 days before the election, whether already registered or not. However, overseas citizens that are not already registered must submit an FPCA to the General Registrar not later than 29 days before the election. Those overseas voters who are already registered must ensure that the FPCA arrives to the General Registrar not later than 5 days before the election. Using different deadlines for newly registered and previously registered voters to return their absentee ballots may have some administrative logic and basis. For example, verifying the eligibility

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of a newly registered voter may take longer than that of previously registered voters, and if there is some question about the registration information provided, the early deadlines provide some time to contact the voter and get it corrected.

DOD encourages potential voters to complete and mail the FPCA early, in order to receive absentee ballots for all upcoming Federal elections during the year. Military and international mail and the U.S. postal service are the primary means for transmitting voting materials, according to servicemembers with whom we spoke. A challenge for military service members in completing the FPCA is to know where they will be located when the ballots are mailed by the local election official. If the voter changes locations after submitting the FPCA and does not notify the local election official, the ballot will be sent to the address on the FPCA and not the voter's new location. This can be further complicated by a 2002 amendment to UOCAVA,<sup>9</sup> which allowed military personnel and overseas citizens to apply for absentee ballots for two federal elections. If servicemembers request ballots for the next two federal elections, they must project up to a 4-year period where they will be located when the ballots are mailed. DOD recommended that military servicemembers and overseas citizens complete an FPCA annually in order to maintain registration and to receive ballots for upcoming elections.

After a valid FPCA has been received by the local election official, the next step for the voter is to receive the absentee ballot. The determination of when the state mails its ballots sometimes depends on when the state holds its primary elections. FVAP has an initiative encouraging a 40–45-day transit time for mailing and returning absentee ballots; however, 14 states have yet to adopt this initiative. During our focus group discussions, some servicemembers commented that they either did not receive their absentee ballot or they received it so late that they did not believe they had sufficient time to complete and return it in time to be counted.

After the voter completes the ballot, the voted ballot must be returned to the local election official within time frames established by each state. As we reported in 2004, deployed military servicemembers face numerous problems with mail delivery, such as military postal personnel who were inadequately trained and initially scarce because of late deployments, as well as inadequate postal facilities, material-handling equipment, and

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<sup>9</sup>The Help America Vote Act of 2002 amended UOCAVA.



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transportation assets to handle mail surge.<sup>10</sup> In December 2004, DOD reported that it had taken actions to arrange for transmission of absentee ballot materials by Express Mail through the Military Postal Service Agency and the U.S. Postal Service. However, during our focus group discussions, servicemembers cited problems with the mail, such as it being a low priority when a unit is moving from one location to another; susceptibility of mail shipments to attack while in theater; and the absence of daily mail service on some military ships. For example, some servicemembers said that mail sat on the ships for as long as a week, waiting for pick up. Others stated that in the desert, mail trucks are sometimes destroyed during enemy attacks. The DOS Chief Voting Officer characterized some overseas mail systems as not functioning. To compensate for some of the mail delivery challenges, DOS negotiated with international courier companies to establish reduced rates and expedited service for voting materials from overseas citizens.

In attempting to simplify and standardize the absentee voting process, FVAP continued working with the states, through its Legislative Initiatives program, to facilitate the absentee voting process for military servicemembers and overseas citizens. However, the majority of states have not agreed to any new initiatives since FVAP's 2001 report to Congress and the President on the effectiveness of its efforts during the 2000 election. The Legislative Initiatives program is designed to make it easier for military servicemembers and overseas citizens to vote by absentee ballot. FVAP is limited in its ability to affect state voting procedures because it lacks the authority to require states to take action on absentee voting initiatives. In the 1980s, FVAP began its Legislative Initiatives program with 11 initiatives, and as of December 2005 it had not added any others. Two of the 11 initiatives—(1) accept one FPCA as an absentee ballot request for all elections during the calendar year and (2) removal of the not-earlier-than restrictions for registration and absentee ballot requests<sup>11</sup>—were made mandatory for all states by the National Defense Authorization Act for Fiscal Year 2002 and the Help America Vote Act of 2002, respectively.<sup>12</sup> According to FVAP, this action

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<sup>10</sup>GAO, *Operation Iraqi Freedom: Long-standing Problems Hampering Mail Delivery Need to Be Resolved*, [GAO-04-484](#) (Washington, D.C.: Apr. 14, 2004).

<sup>11</sup>Not-earlier-than restriction refers to states not accepting an FPCA if it arrives before a specified date.

<sup>12</sup>Pub. L. No. 107-107, § 1606 (2001) and Pub. L. No. 107-252, § 706 (2002), respectively.

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was the result of state election officials working with congressional lawmakers to improve the absentee voting process.

Between FVAP's 2001 and 2005 reports to Congress and the President, the majority of the states had not agreed to any of the remaining nine initiatives. Since FVAP's 2001 report, 21 states agreed to one or more of the nine legislative initiatives, totaling 28 agreements. Table 2 shows the number of agreements with the initiatives since the 2001 report. According to FVAP records, one state withdrew its support for the 40–45-day ballot transit time initiative, and another state withdrew support for enfranchising citizens who had never resided in the United States. Initiatives with the most state support were (1) the removal of the notary requirement on election materials and (2) allowing the use of electronic transmission of election materials. We also found a disparity in the number of initiatives that states have adopted. For example, Iowa is the only state to have adopted all nine initiatives, while Vermont, American Samoa, and Guam have adopted only one initiative each.

**Table 2: Number of Agreements with FVAP's Legislative Initiatives**

FVAP Initiatives	Number of states in agreement		Change
	2001	2005	
1. Allow a 40–45-day transit time between the date the absentee ballot is mailed to the voter and the due date for the voted ballot to be returned	42	41	-1
2. Remove the notary requirement on any election materials	49	50	1
3. Establish late registration procedures for persons recently separated from the uniformed services and citizens returning from overseas employment	24	28	4
4. Provide for a special state write-in absentee ballot	27	27	0
5. Incorporate reference to UOCAVA into state election code	33	37	4
6. Allow the use of electronic transmission of election materials	48	49	1
7. Expand use of the Federal Write-in Absentee Ballot to include special, primary, and run-off elections, and allow the ballot to be used as a simultaneous registration application and ballot	7	12	5
8. Provide emergency authority for absentee ballot handling to the state's chief election official during periods of declared emergency	11	16	5
9. Enfranchise citizens who have never resided in the United States or its territories	8 <sup>a</sup>	17	9
<b>Total</b>			<b>28<sup>b</sup></b>

Source: GAO generated from FVAP data.

<sup>a</sup>Eight states agreed, but one state later withdrew support.

<sup>b</sup>Some states agreed to more than one initiative.

Despite some progress by FVAP in streamlining the absentee voting process, absentee voting requirements and deadlines continue to vary from state to state. While it is ultimately the responsibility of the voter to understand and comply with these deadlines, varying state requirements can cause confusion among voters and VAOs about deadlines and procedures for registering and voting by absentee ballot. However, the election process within the United States is primarily the responsibility of the individual states and their election jurisdictions.

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## Developing a Secure Electronic Registration and Voting System

Developing and implementing an electronic registration and voting system, which would likely improve the timely delivery of ballots and increase voter participation, has proven to be a challenging task for FVAP. Eighty-seven percent of servicemembers who responded to our focus group survey said they were likely to vote over the Internet if security was guaranteed. However, FVAP has not been able to develop a system that would protect the security and privacy of absentee ballots cast over the Internet. For example, during the 2000 presidential election, FVAP conducted a small proof of concept Internet voting project that enabled only 84 voters to vote over the Internet. While the project demonstrated that it was possible for a limited number of voters to cast ballots online, FVAP's project assessment concluded that security concerns needed to be addressed before expanding remote (i.e., Internet) voting to a larger population. In 2001, we also reported that remote Internet-based registration and voting are unlikely to be implemented on a large scale in the near future because of security risks with such a system.<sup>13</sup>

For the 2004 election, FVAP developed a secure registration and voting experiment. However, it was not used by any voters. The National Defense Authorization Act for Fiscal Year 2002 directed DOD to conduct an electronic voting experiment and gather data to make recommendations regarding the continued use of Internet registration and voting.<sup>14</sup> In response to this requirement, FVAP developed the Secure Electronic Registration and Voting Experiment (SERVE), an Internet-based registration and voting system for UOCAVA citizens. The experiment was to be used for the 2004 election by UOCAVA citizens from seven participating states,<sup>15</sup> with the eventual goal of supporting the entire military population, their dependents, and overseas citizens. In January 2004, a minority report published by four members of the Security Peer Review Group, a group of 10 computer election security experts FVAP assembled to evaluate SERVE, publicly raised concerns about the security of the system. They suggested it be shut down due to potential security problems that left it vulnerable to cyber attacks. Furthermore, they cautioned against the development of future electronic voting systems

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<sup>13</sup>[GAO-01-1026](#).

<sup>14</sup>Pub. L. No. 107-107, § 1604 (2001).

<sup>15</sup>The seven states were Arkansas, Florida, Hawaii, North Carolina, South Carolina, Utah, and Washington.

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until the security of both the Internet and the world's home computer infrastructure had been improved. Specifically, the report stated:

The real barrier to success is not a lack of vision, skill, resources, or dedication, it is the fact that, given the current Internet and PC security technology, and the goal of a secure, all-electronic remote voting system, the FVAP has taken on an essentially impossible task.

According to FVAP, the full peer review group did not issue a final report. Also, because DOD did not want to call into question the integrity of votes that would have been cast via SERVE, they decided to shut it down prior to its use by any absentee voters. FVAP could not provide details on what it received for the approximately \$26 million that it invested in SERVE. FVAP officials stated that they received some services from the contractor, but no hardware or other equipment.

In September 2004, DOD implemented the Interim Voting Assistance System (IVAS), an electronic ballot delivery system, as an alternative to the traditional mail process. Although IVAS was meant to streamline the voting process, its strict eligibility requirements prevented it from being utilized by many military or civilian voters. IVAS was open to active duty military members, their dependents, and DOD overseas personnel who were registered to vote. These citizens also had to be enrolled in the Defense Enrollment Eligibility Reporting System (DEERS),<sup>16</sup> and had to come from a state and county participating in the project. FVAP officials said the system was limited to DOD members because their identities could be verified more easily than those of nonmilitary overseas citizens. Voters would obtain their ballots through IVAS by logging onto [www.MyBallot.mil](http://www.MyBallot.mil) and requesting a ballot from their participating local election jurisdiction. One hundred and eight counties in eight states and one territory agreed to participate in IVAS;<sup>17</sup> however, only 17 citizens downloaded their ballots from the site during the 2004 election.

Despite low usage of the electronic initiatives and existing security concerns, we found that servicemembers and VAOs at the installations we visited strongly supported some form of electronic transmission of voting materials. During our focus group discussions, servicemembers stated that

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<sup>16</sup>DEERS provides a means for quickly verifying and validating a person as eligible to receive military health care and other DOD benefits.

<sup>17</sup>The nine states/territories were Kansas, Kentucky, Maryland, Mississippi, Montana, New Mexico, South Carolina, Virgin Islands, and Wisconsin.

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election materials for the 2004 presidential election were most often sent and received through the U.S. postal system. Servicemembers also commented that the implementation of a secure electronic registration and voting system could increase voter participation and possibly improve confidence among voters that their votes were received and counted. Additionally, servicemembers said that an electronic registration and voting system would improve the absentee voting process by providing an alternative to the mail process, particularly for those servicemembers deployed on a ship or in remote locations. However, at one location, some servicemembers were more comfortable with the paper ballot system and said that an electronic voting system would not work because its security could never be guaranteed.

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## DOS Cannot Reach All Overseas Citizens

Although DOS set a goal of 100 percent in-hand delivery of an FPCA to overseas citizens employed with an embassy or consulate, it does not have the ability to reach every overseas citizen. While DOS's Web site is available for overseas citizens to access, DOS does not have the ability to proactively reach the estimated 2 million overseas United States citizens of voting age. According to DOS, about 67 percent of overseas citizens live in about 10 countries, and the remaining 1.2 million overseas citizens are spread throughout the world. If these citizens do not contact the embassy or consulate and provide DOS with appropriate contact information, DOS cannot proactively reach them. DOS has assigned a VAO and voting assistant at each of its approximately 240 embassies and consulates. According to the DOS Chief Voting Officer, it is impossible to know where all eligible overseas voters are located or to directly provide them information on absentee voting. Also, he stated that some overseas citizens could be located hundreds of miles from the embassy. Even for those citizens within proximity to the embassy, the heightened security environment could preclude easy embassy access to obtain voting information. DOS emphasized that it cannot and should not force people to vote, but it should get the forms and information to them as early as possible.

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## Agency Comments and Our Evaluation

In written comments on a draft of this report, DOD generally agreed with our description of their voting assistance efforts. DOD expressed concerns that our information from the focus group discussions may be presented in a way that can be misinterpreted. In our report, we acknowledged that our focus group responses could not be projected across the military community because participants were not selected using a statistically valid sampling methodology. DOD also stated that Congress instructed the

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department to pursue an electronic absentee voting project upon the release of guidelines for electronic voting from the Election Assistance Commission and the National Institute of Standards and Technology. As required by the national defense authorization act for fiscal year 2005, DOD may delay the implementation of another electronic voting project until the new electronic absentee voting guidelines are issued by the Election Assistance Commission. At the time of our review, the Executive Director of the Commission informed us that the Commission was waiting for the report from FVAP on its internet voting project prior to establishing the guidelines. DOD's written comments are reprinted in their entirety in appendix III. In written comments on a draft of this report, DOS also generally agreed with our report and provided a few clarifying comments which we incorporated into our final report as appropriate. First, DOS wanted us to quantify the approximate voting age population of overseas citizens at about 2 million. Next, DOS stated the challenge to reaching overseas citizens relates to citizens having no obligation to contact the embassies or consulates versus the geographic dispersion of overseas citizens. If citizens do not contact the embassy or consulate and provide DOS with appropriate contact information, DOS cannot proactively reach them. DOS's description of the challenge further supports our statements that they cannot reach all overseas citizens. Finally, DOS said that variance in voting assistance was not a result of the size and location of the embassy but related to other issues such as (1) the level of development of the country, (2) the security climate, and (3) the quality of the host country's infrastructure. They stated that the reliability of the mail system, working telephones, passable road networks, and even the existence of electric power grids play far more important roles, and require the VAOs to use different means in different places to help citizens register and vote. DOS's written comments are printed in their entirety in appendix IV.

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We are sending copies of this report to the Secretary of Defense; the Secretaries of the Army, the Navy, and the Air Force; the Commandant of the Marine Corps; the Secretary of State; and other interested parties. We will also make copies available to others upon request. In addition, the report will be available at no charge on the GAO Web site at <http://www.gao.gov>.

If you or your staff have any questions on this report, please contact me at (202) 512-5559 or [stewardd@gao.gov](mailto:stewardd@gao.gov) or George F. Poindexter at (202) 512-7213 or [poindexterg@gao.gov](mailto:poindexterg@gao.gov). GAO staff who made major contributions to this report are listed in appendix V. Contact points for our Offices of

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Congressional Relations and Public Affairs may be found on the last page of this report.

A handwritten signature in black ink that reads "Derek B. Stewart". The signature is written in a cursive style with a long horizontal stroke at the end.

Derek B. Stewart, Director  
Defense Capabilities and Management



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*List of Congressional Addressees*

The Honorable John Warner  
Chairman

The Honorable Carl Levin  
Ranking Minority Member  
Committee on Armed Services  
United States Senate

The Honorable Susan M. Collins  
Chairman

The Honorable Joseph I. Lieberman  
Ranking Minority Member  
Committee on Homeland Security and Governmental Affairs  
United States Senate

The Honorable Trent Lott  
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The Honorable Christopher Dodd  
Ranking Minority Member  
Committee on Rules and Administration  
United States Senate

The Honorable Arlen Specter  
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The Honorable Patrick J. Leahy  
Ranking Minority Member  
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United States Senate

The Honorable Duncan Hunter  
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The Honorable Ike Skelton  
Ranking Minority Member  
Committee on Armed Services  
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The Honorable Tom Davis  
Chairman

The Honorable Henry A. Waxman  
Ranking Minority Member  
Committee on Government Reform  
House of Representatives

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The Honorable Vernon Ehlers  
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The Honorable Juanita Millender-McDonald  
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House of Representatives

The Honorable John Conyers, Jr.  
Ranking Minority Member  
Committee on the Judiciary  
House of Representatives

The Honorable Carolyn B. Maloney  
House of Representatives

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# Appendix I: Scope and Methodology

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To address our overall objectives, we reviewed relevant reports prepared by GAO, FVAP, DOD, the Inspectors General of each service and DOD, the Election Assistance Commission, and private nonprofit organizations that represent military and overseas citizens who participate in the election process via absentee voting. Specifically, to determine differences in FVAP's efforts between the 2000 and 2004 presidential elections, we reviewed our 2001 report to obtain an assessment of FVAP's efforts for the 2000 election and compared that assessment with actions taken by FVAP for the 2004 election. We reviewed Section 1973ff. et seq. of Title 42, United States Code, Uniformed and Overseas Citizens Absentee Voting Act to identify specific federal responsibilities for absentee voting and compared these responsibilities with actions taken by the responsible parties. We also reviewed relevant FVAP, DOD, and DOS regulations, operating procedures, and reports to determine how UOCAVA requirements had been incorporated. This included reviewing DOD Directive 1000.4, Federal Voting Assistance Program; Air Force Instruction 36-3107, Voting Assistance Program; Army Regulation 608-20, Army Voting Assistance Program; Operations Navy Instruction 1742.1A, Navy Voting Assistance Program; Marine Corps Order 1742.1A, Voter Registration Program; and DOS's Foreign Affairs Manual, 7 FAM 1500, Overseas Voting Program; which list the specific responsibilities of each of the respective organizations for implementing the provisions of UOCAVA. We discussed these requirements with representatives from each organization to determine actions they took in implementing them. We met with a commissioner of the Election Assistance Commission and Voting Action Officers for each of the military services and the DOS's Chief Voting Officer to obtain their opinions on efforts taken for the 2004 election. We also examined projects and special initiatives undertaken by these organizations to address the absentee voting process. We also reviewed FVAP's Voting Assistance Guide and its Web site to document the type of information provided to UOCAVA citizens for participating in the absentee voting process. Also in determining FVAP's efforts for the 2004 election, we met with the Deputy Director of FVAP and discussed actions they took to facilitate absentee voting for UOCAVA citizens. We also reviewed FVAP's 2005 report to Congress and the President and assessed its methodology for conducting its survey of voter participation among military and overseas citizens for the 2004 presidential election.

To identify actions taken in response to prior GAO recommendations to reduce variance in program implementation, we reviewed prior GAO reports on absentee voting. We held discussions with officials from DOD and DOS to identify actions they took in responding to these recommendations. We reviewed updated DOD and military service voting

assistance policies and guidance and determined whether requirements included in DOD's overarching guidance had been included in the services' guidance. We reviewed DOS's guidance to see whether it included requirements for increased program oversight and outreach to overseas citizens. In addition, we reviewed voting messages sent to embassies/consulates from DOS's Chief Voting Officer to identify actions taken to assist absentee voters. We also held discussions with VAOs from the military services to discuss their voting assistance efforts and to identify variance in program implementation. We also visited the Marine Corps Recruit Depot, Parris Island, South Carolina, to discuss actions taken at the service level to provide absentee voting training to new recruits. We held discussions with VAOs concerning whether and how they provided absentee voting training during recruit training and we reviewed the training syllabus to identify training related to absentee voting.

To identify challenges that remain in providing voting assistance to military personnel and overseas citizens, we met with leaders of organizations representing members of the military and American citizens living overseas to obtain their opinions on assistance efforts provided by FVAP, DOD, and DOS for the 2004 presidential election. These organizations included the National Defense Committee, the Federation of American Women's Clubs Overseas, the Association of Americans Resident Overseas, and the Overseas Vote Foundation. We also reviewed reports produced by these organizations to gain insights on absentee voting assistance for the 2004 election and to identify remaining challenges. To obtain servicemembers' opinions on assistance received for the 2004 election and to identify challenges to absentee voting, we conducted 19 focus group discussions, which included 173 participants consisting of enlisted servicemembers and officers from each service. In an attempt to provide an open discussion environment for participants, the groups were ranked according to grade; enlisted 1-4, enlisted 5-9, and officers. In selecting the installations to conduct the focus group discussions, we identified the top nine states that had the largest number of military servicemembers. From this list, we judgmentally selected one installation for each service, except for the Air Force in which we selected two installations. One Air Force location was selected as our test site and we used the results in our totals. Locations selected were Ft. Stewart, Georgia; Patrick Air Force Base, Florida; Langley Air Force Base, Virginia; Marine Corps Base Camp Pendleton, California; and Pearl Harbor, Hawaii. To select focus group participants, at each site we asked the installation VAO to send out notices requesting volunteers to participate in our focus group discussions. The basic criterion used in soliciting volunteers was

that they were eligible to participate in the 2004 election. Topics of discussion for the focus groups included the command's view on absentee voting, each participant's awareness and their opinion on the usefulness of FVAP's absentee voting resources, and challenges faced by servicemembers in voting by absentee ballot. Following each focus group discussion, we administered a short survey to each participant which solicited information related to their absentee voting experiences and challenges. Comments provided by the focus group members cannot be projected across the entire military community because the participants were not selected using a statistically valid sampling methodology.

We determined that the data we used were sufficiently reliable for the purpose of our report. We conducted our review from March 2005 through April 2006 in accordance with generally accepted government auditing standards.

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# Appendix II: Related GAO Reports

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*Election Reform: Nine States' Experiences Implementing Federal Requirements for Computerized Statewide Voter Registration Lists.* [GAO-06-247](#). Washington, D.C.: February 7, 2006.

*Elections: Views of Selected Local Election Officials on Managing Voter Registration and Ensuring Eligible Citizens Can Vote.* [GAO-05-997](#). Washington, D.C.: September 27, 2005.

*Elections: Federal Efforts to Improve Security and Reliability of Electronic Voting Systems Are Underway, but Key Activities Need to be Completed.* [GAO-05-956](#). Washington, D.C.: September 21, 2005.

*Elections: Additional Data Could Help State and Local Elections Officials Maintain Accurate Voter Registration Lists.* [GAO-05-478](#). Washington, D.C.: June 10, 2005.

*Department of Justice's Activities to Address Past Election-Related Voting Irregularities.* [GAO-04-1041R](#). Washington, D.C.: September 14, 2004.

*Elections: Electronic Voting Offers Opportunities and Presents Challenges.* [GAO-04-975T](#). Washington, D.C.: July 20, 2004.

# Appendix III: Comments from the Department of Defense



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

MAR 23 2006

Mr. Derek B. Stewart  
Director, Defense Capabilities and Management  
U.S. Government Accountability Office  
441 G Street, N.W.  
Washington, DC 20548

Dear Mr. Stewart:

Enclosed is the Department of Defense (DoD) response to the GAO draft report, "ELECTIONS: Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Elections, but Challenges Remain" dated March 6, 2006.

The Federal Voting Assistance Program (FVAP) administers the federal provisions of the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)*. The FVAP has a proven record of meeting the voting needs of military and citizens living overseas in a non-partisan manner. The FVAP will continue to make improvements based upon the findings of post election surveys, customer feedback and input from the GAO.

The Department understands your concerns with the response rates from the FVAP's 2004 post election survey. We are continuing to enhance survey methodology to boost future response rates. We do believe there are already indicators of increased participation resulting from concerted federal-state cooperative efforts to enfranchise citizens covered under *UOCAVA*. Also, Department of State Voting Assistance Officers reported an increased demand for voting materials and FVAP responded by supplying hundreds of thousands of write-in absentee ballots and federal post card applications to U.S. embassies and consulates, as well as other overseas organizations.

It is the Department's concern that information collected by GAO focus groups may be presented in a way that can be misinterpreted. We appreciate the GAO's explanation of the difficulties military Voting Assistance Officers (VAOs) encountered during the 2004 elections and recognize the level of training VAOs received and the degree of assistance they provided may have varied with each situation. However, the Services reported that VAOs performed their required duties and eligible citizens living outside the United States received voting information, applications and assistance in an efficient manner as designated under *UOCAVA*.

Through yearly FVAP state legislative initiative packages, the Department works with state election officials on legislation to make the absentee voting process easier and more uniform nationwide for citizens covered under *UOCAVA*. The FVAP develops and forwards recommended legislative changes to state representatives and governors that reflect the lessons learned from previous elections, surveys and other data collection.



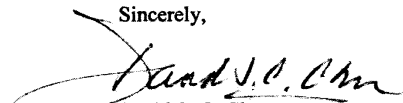
The Department of Defense is a strong proponent for citizens covered by the *UOCAVA*, and advocates the most efficient and effective means for providing them the opportunity to participate in the electoral process. When the by-mail process does not serve these citizens adequately, the Department seeks to provide alternative methods for ballot transmission. Since 1990, the Department has provided an electronic transmission service, which gives states and individual citizens the opportunity to transmit election materials via fax, and since 2003, via E-mail where allowed by state law.

In 2000, the Department ran a voting over the Internet experiment which successfully allowed *UOCAVA* citizens to securely register, receive a ballot and vote on-line in their state of legal residence. The 2004 Secure Electronic Registration and Voting Experiment, directed by Congress, was put on hold before utilization to ensure there was no doubt about the integrity of election results and that the public's confidence in the legitimacy of the process. Congress has instructed the Department to pursue an electronic absentee voting project upon the release of guidelines from the Election Assistance Commission (EAC) and the National Institute of Standards and Technology. The Department is providing system design information and lessons learned from these experiments to the EAC as we work toward a future project.

We also note that the Voting Assistance Guide, which is printed every two years, is updated regularly to reflect changes in state or federal guidelines.

Thank you for the opportunity to comment on this report.

Sincerely,



David S. C. Chu



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# Appendix IV: Comments from the Department of State

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DEPARTMENT OF STATE  
ASSISTANT SECRETARY FOR CONSULAR AFFAIRS  
WASHINGTON

March 22, 2006

Dear Mr. Poindexter:

We appreciate the opportunity to review your draft report, "Elections: Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, But Challenges Remain," GAO-06-521.

The enclosed Department of State comments are provided for incorporation with this letter as an appendix to the final report.

If you have any questions concerning this response, please contact Jack Markey, the Department's Chief Voting Action Officer, at (202) 736-4937.

Sincerely,

A handwritten signature in black ink, appearing to read "Mhart".

Maura Harty

Enclosure: As stated.

cc: GAO/DCM – Mr. Sawyer  
State/OIG – Mr. Krongard  
State/CA – Mr. Markey

Mr. George F. Poindexter,  
Assistant Director,  
Defense Capabilities and Management,  
U.S. Government Accountability Office.

**Department of State Comments on GAO Draft Report:**

“Elections: Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, But Challenges Remain,” GAO-06-521.

The Department thanks the Government Accountability Office for once again conducting a review of the Federal Voting Assistance Program. We appreciate the GAO’s recognition of the Department’s greatly expanded oversight and outreach efforts, as well as the continuing difficulty we face in locating Americans who reside in every corner of the globe. We would like to take this opportunity to address a few points that appear in the report to define more sharply the Department’s accomplishments and challenges.

The 3.7 million overseas Americans referred to on page one includes both adults and minor children. It would be more accurate to identify our constituency as consisting of approximately 2 million overseas citizens of voting age. This would also ensure an accurate comparison with the numbers of DOD personnel mentioned in the report, i.e. the report used DOD figures related to those of voting age.

The report indicates that the geographic dispersion of Americans overseas has been a major obstacle to our ability to disseminate voting information. We see the issue differently. Americans have no obligation to register with the nearest Embassy or Consulate; this is what we view as a major impediment to communicating with Americans on an individual basis overseas. When we do know where U.S. citizens are located, we are able to identify appropriate means of communication. In 2004, U.S. Embassies and Consulates employed a number of very effective methods to communicate with both official and private American communities, including television and news media, expanded use of Internet, e-mail and radio networks, and town hall meetings in remote locations. We believe that increased awareness of IBRS (Internet Based Registration System), our on-line system for registering the presence of U.S. citizens overseas, will encourage our citizens to give us their location. Encouraging Americans to use IBRS is a major objective of the public outreach program of the Bureau of Consular Affairs.

The report mentioned that the level of the Department’s voting assistance varied according to the size and location of the Embassy. It would be more accurate to consider the Department’s response in terms of the size of the local American community, whether that community was residing in a more-developed or less-developed country, the prevailing security climate, and the quality of the host country’s infrastructure, as variables affecting the ability of the Department’s Voting Assistance Officers to accomplish their mission. Geographic dispersal, even of large numbers of citizens, is not a major problem provided there are local, reliable options for communicating effectively. The reliability of the mail system, working telephones, passable road networks, and even the existence of electric power grids play far more important roles, and require our officers to use different means in different places to help citizens register and vote.

We enjoy an excellent working relationship with the headquarters staff of the Federal Voting Assistance Program, and they cooperated closely with us both during the course of the 2004 election season and in the post-election survey. However, Privacy Act restrictions, per 5 USC 552A(b), precluded release of names and addresses of private American citizens to DOD contractors hired to conduct the post-election survey.

The Department of State took to heart the GAO's 2001 recommendations, and today can point proudly to a far more consistent global program, with broader outreach and greater oversight. We continue to expand our voting assistance training, and we are sharing the lessons learned during the 2004 election cycle to further improve the quality of service we provide Americans resident abroad. Our ongoing challenge remains that of encouraging more overseas Americans to register with us and keep current their contact information, so our Embassies and Consulates can provide them with the entire range of consular services, including timely, accurate information about absentee voting.

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# Appendix V: GAO Contact and Staff Acknowledgments

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## GAO Contact

Derek B. Stewart (202) 512-5559

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## Acknowledgments

In addition to the individual named above, George F. Poindexter; Connie W. Sawyer, Jr.; Margaret Holihan; Jennifer Thomas; Terry Richardson; Amanda Miller; Cheryl Weissman; and Julia Matta made key contributions to this report.

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