



Protecting the Military's Right to Vote

by

**Julie Rudowski, Assistant Director
AUSA's Government Affairs Directorate**

The Uniformed and Overseas Citizens Absentee Voting Act

The Uniformed and Overseas Citizens Absentee Voting Act, signed into law by President Ronald Reagan in August 1986, was designed to improve absentee registration and voting for deployed members of the U.S. military and U.S. citizens living abroad, and to consolidate existing (and outdated) laws that were already in place. The Secretary of Defense, responsible for ensuring the law is administered, delegates that responsibility to the Director of the Federal Voting Assistance Program (FVAP), an agency within the Department of Defense.

The FVAP has three distinct goals:

- to inform and educate U.S. citizens worldwide of their right to vote;
- to foster voting participation; and,
- to protect the integrity of, and simultaneously enhance, the electoral process at the federal, state and local levels.

The FVAP also provides U.S. citizens worldwide with a broad range of nonpartisan information and assistance to facilitate their participation in the democratic process—regardless of where they work or live.

The law requires that the states permit absent uniformed service voters and their families, as well as overseas voters who no longer maintain a residence in the United States, to register and vote by absentee ballot in all elections for federal offices. Furthermore, the law recommends that the states accept the federal write-in absentee ballot for general elections for federal offices provided the voter is registered, has made a timely request for a state absentee ballot, the absentee ballot has not

arrived with sufficient time to return it, and the ballot is submitted from outside the United States or its territories.

What's the Problem?

While problems with absentee voting for deployed military personnel were known and discussed before the 2000 presidential election, that election highlighted serious problems with voting, particularly in Florida, where many military ballots were disqualified because they arrived past the deadline or lacked proper postmarks or signatures. In some states where the election was less contentious than in Florida, absentee ballots were not even counted. Further, it is estimated that 29 percent of military personnel who wanted to vote either did not get an absentee ballot or received it too late.

In September 2001, the Government Accountability Office (GAO), the investigative arm of Congress formerly known as the General Accounting Office, issued a report outlining the problems with military voting. They found that during the 2000 election, military ballots were four times more likely than domestic ballots to be disqualified. Based on a national survey, GAO estimated that small counties (having a voting age population of less than 60,000) disqualified 8.1 percent of ballots cast by military and overseas voters. In contrast, the disqualification rate for domestic ballots was 1.8 percent.

The process is made even more complicated by the fact that deadlines and procedures vary considerably depending on the home state of the Soldier. For example, a Soldier from California must have his or her ballot to county election officials by the close of polls on Election Day while the ballot from a Soldier from Iowa must be received not later than noon on the Monday after the election.



DEFENSE REPORT is published by the Association of the United States Army's Institute of Land Warfare (ILW). The series is designed to provide information on topics that will stimulate professional discussion and further public understanding of the Army's role in national defense. Questions regarding the **DEFENSE REPORT** should be directed to: AUSA's Institute of Land Warfare (Attn: **DEFENSE REPORT**), 2425 Wilson Boulevard, Arlington VA 22201. For more information about AUSA and ILW, visit our website at www.ausa.org.

The Pentagon “Fix”

Earlier this year the Pentagon, in conjunction with the U.S. Postal Service, launched a series of initiatives intended to expedite the delivery of absentee ballots to deployed military personnel.

Postal employees at the local level will contact each of the approximately 3,000 county election offices throughout the country to coordinate the mailing of absentee ballots. Once ballots are prepared for mailing, local post offices will facilitate the initial mailings of ballots via overnight Express Mail to the three military gateways (San Francisco, Miami and New York). This will take place approximately 30 to 45 days prior to Election Day. After the initial ballot mailings, remaining ballots will be expedited on a daily basis from local post offices to military gateways. Postal officials will determine the number of ballots per location at the gateways, sort by destination, and then place them in specially marked containers providing visibility to give the highest priority while being transported to their destination.

The Military Postal System, a division of the Defense Department and operated as an extension of the U.S. Postal Service, will ensure that ballots are given priority handling at overseas destinations and will make every attempt to deliver them as expeditiously as possible. Each completed ballot will be given a proper, legible postmark at the time of mailing and receive priority in transportation back to the postal gateways. The ballots will then be delivered back to county election officials.

These initiatives were announced after a \$22 million Internet voting experiment for overseas troops was scrapped when independent reviewers deemed the system to be vulnerable to outside manipulation.

Additionally, a Pentagon spokesperson said that specially trained “voting assistance officers” have been dispatched to units deployed around the world to assist Soldiers with voting.

Is It Working?

There are still problems with absentee voting. Shortly after the Pentagon announced its new procedures, the GAO found that the system used in Iraq to collect and deliver mail—including absentee ballots—suffers from long delays and other problems. Particularly troubling is the fact that the number of deployed military has jumped from about 100,000 in 2000 to nearly 330,000 in 2004.

More than 1,700 test letters were sent through the military postal system to individuals in Kuwait, Bahrain and Iraq. GAO could confirm that only 59 percent were actually received. Interviews with more than 125 Soldiers and Marines disclosed that most were dissatisfied with the mail service.

The Pentagon’s Inspector General found that a Defense Department program to ease voting by deployed troops and Americans overseas continues to be given low priority by field commanders. Unannounced visits to ten foreign sites found that seven programs were ineffective and three only partially effective. Nearly three of every five servicemembers surveyed did not know their voting assistance officer.

Also, a delay in the mailing of absentee ballots for the July primary election to citizens of the state of Georgia caused the Department of Justice to file a lawsuit alleging that numerous counties failed to mail requested absentee ballots to Georgia citizens overseas in sufficient time for them to vote. An emergency order required Georgia election officials take steps to ensure overseas voters, including deployed military, had the opportunity to participate in the primary elections. The Department of Justice also secured court action in Pennsylvania and Alabama to extend the time allowed for absentee ballots to be counted during the primary season.

Armed Forces Voters Week is 3–11 September 2004. Exercise Your Right to Vote!

Every citizen has the right to register and vote. If you think your vote doesn’t count, consider this: In the 2000 presidential election, if the effort to disqualify 2,500 absentee ballots in Florida had succeeded, the results of the election in that state would have been different.

Ten Ways to Ensure Your Absentee Vote is Counted

1. Contact your unit or organization voting assistance officer for help in absentee registration and voting. If you are unsure who that person is—ASK!
2. Visit the Federal Voting Assistance Program’s website at www.fvap.gov for information on the absentee registration and voting process.
3. Ensure you have applied for your absentee ballot using the hard-copy or online version of the Federal Post Card Application (FPCA).
4. Make sure your local election official has your current mailing address.
5. Sign and date all election materials.
6. Fulfill your state’s witness/notary requirements (if required).
7. Ensure your ballot or FPCA is postmarked.
8. Register to vote and request your ballot in a timely manner—not later than September.
9. **VOTE**—mail your ballot not later than 15 October 2004.
10. Use the Federal Write-In Absentee Ballot if you are overseas and your state absentee ballot does not arrive in time to be mailed back by the state’s deadline.