

electionlineWeekly — February 12, 2009 **electionline.org**

I. In Focus This Week

More than one in five military and overseas voters disenfranchised in 2008

New report explains challenges, offers solutions

By [Kat Zambon](#)

According to a [new report](#) by the Overseas Vote Foundation (OVF), 22 percent of voters covered by the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) did not receive their ballots for the 2008 general election.

“The results of the survey demonstrate that America is still not doing enough to alleviate problems that interfere with overseas and military voting,” Susan Dzieduszycka-Suinat, OVF president and CEO said in a [press release](#).

Late ballot receipt is one of the most significant problems UOCAVA voters faced. Of voters who received their ballots, 39 percent received them after mid-October, making it difficult for to return their ballots in time to be counted.

The number one reason that local election officials rejected ballots from UOCAVA voters is missed deadlines, followed by incomplete forms and missing signatures.

Despite OVF’s [September launch](#) of a tool to help voters complete the federal write-in absentee ballot (FWAB), less than half of UOCAVA voters are aware the FWAB is the ballot of last resort for voters who don’t receive their ballot in time to cast it and return it to election officials. OVF’s FWAB tool was developed with support from the Pew Charitable Trusts.

Dzieduszycka-Suinat said the OVF Web sites for [military voters](#), [younger voters](#), and a [low-bandwidth version](#) of the site, as well as their [homepage](#), had almost 4.75 million visitors in 2008.

Seven states – Alabama, Kentucky, Minnesota, Ohio, Texas, Vermont and West Virginia – took advantage of OVF’s state-hosted systems concept so voters could use OVF’s voter services from a Web site customized to the state in which they vote. Web sites by the League of Women Voters, Rock the Vote, the Federation of American Women’s Clubs Overseas, Exxon Mobil as well as both the Obama and McCain campaigns also directed voters to OVF.

More than 24,000 voters from 186 countries casting ballots in all 50 states as well as over 1,000 election officials responded to the survey. But Toby Moore, project director at RTI International (which assisted in design and analysis), said at a [press event](#) that they need to work towards getting a more representative sample as military voters were still under-represented in the survey.

Policy changes proposed

The 2008 OVF report was unique in that it marked the first time that OVF made policy recommendations and endorsed legislation currently being drafted on the issue by the [Uniform Law Commission](#) (ULC). The commission provides states with non-partisan draft legislation to bring clarity to different areas of state law.

“Whatever comes out of the Uniform Law Commission and their work, we want it to happen,” Dzieduszycka-Suinat said. According to the report, the ULC will meet again to continue its work on this issue in February and March.

OVF also recommended changing the FWAB so voters can use it to register to vote and request ballots. While several states already allow this, OVF endorsed it for all states as well as implementing online ballot request and delivery to shorten the amount of time UOCAVA voters need.

Additionally the report stated that any federal legislation that moves the country to a system of universal voter registration should cover all UOCAVA voters, including American citizens who have never lived in the United States, which currently varies from state to state.

"I think there's a real possibility that sometime this year ... there's going to be a change," Benjamin Chevat, chief of staff for Rep.Carolynn Maloney, D-N.Y. said. "Mrs. Maloney is very optimistic that we're going to get some things done that should have been done."

Options for electronic transmission considered

In their survey responses, voters complained about problems with the mail and expressed frustration at the lack of electronic options for voting materials. Completed ballots were held up in customs, blank ballots were ruined in the rain, and one voter who attempted to fax his ballot was prevented from doing so because the fax number didn't work.

Almost 400 voters who had problems registering to vote reported that they thought they had submitted their registration online or didn't mail their original voter registration form. Of those who did not receive ballots, 23.8 percent submitted ballots requests by email and 21.5 percent submitted ballot requests by fax.

"In effect it is twice the work and therefore we are not actively encouraging" electronic methods, Katie Blinn, Washington State Secretary of State assistant elections director said. "Our state still requires that the signed form arrive by the deadline, regardless of the earlier electronic transmission, and for voters this practice can be misleading."

Despite the current challenges, many remain optimistic that electronic transmission can simplify the process for UOCAVA voters. Bryan O'Leary, National Defense Committee senior fellow said that the Defense Department put together a system for military voters to vote online in 2006, adding that it could save elections offices money because they wouldn't have to pay postage.

Dzieduszycka-Suinat said election officials should at least consider transmitting blank ballots electronically.

"We have evidence that shows it's not dangerous to send a blank ballot online," she said. "This process has to be so easy that someone who has never done it before can do it the first time perfectly."

II. Election Reform News This Week

- Late last week, U.S. Election Assistance Commission (EAC) [certified](#) the Election Management System (EMS) 4.0 by MicroVote General Corporation. It is the first voting system to achieve federal certification under the [EAC Voting System Testing and Certification Program](#). The EAC admitted the EMS 4.0 into its program on Aug. 15, 2007. iBeta Quality Assurance, an EAC-accredited test lab, began the testing process by submitting a draft test plan on Aug. 21, 2007. All versions of subsequent laboratory [test plans](#) and [test reports](#) of the EMS 4.0 are posted at on the EAC's Web site along with an [outline](#) describing each step of the certification process. After receiving version 4.0 of iBeta's test report on Dec. 23, 2008, the EAC issued a tentative decision to certify the EMS 4.0. In addition to the EMS 4.0, [eight voting systems](#) are enrolled in the EAC's Testing and Certification Program.
- The Minnesota Senate [recount trial entered its third week](#) on Monday with numerous absentee ballots getting a new look, when a Dakota County official testified that they were probably rejected by mistake. According to the *Minneapolis Star Tribune*, in several instances, local

elections officials neglected to send a voter-registration application to someone who needed one, he said. Other times, officials rejected ballots because voters didn't include a completed application -- although the voters were already registered and didn't need one. "This appears to be a mistake," said Dakota County Elections Manager Kevin Boyle, when asked about one registered-but-rejected voter. On Tuesday, judges added [23 votes](#) to Al Franken's tally.

- And then there was one. This week, the Bangor, Maine council voted 6 to 1 to consolidate [the city's four polling places into one, central vote center](#). According to the *Bangor Daily News*, Clerk Patti Dubois, who brought the recommendation to the City Council, said the pros — namely efficiency, reduced confusion and cost savings — outweighed any concerns about travel and traditions. Several residents spoke out for and against the proposal. "Voters are moving away from conventional voting in droves," said Donald Lewis, referring to the steady increase, particularly in Bangor, of absentee voting. Lewis served on the city's polling realignment committee, said he initially opposed the idea but eventually came around. Bill Sullivan, a member of the same committee, favored having only one polling place from the beginning.
- The Orange County, California District Attorney's Office is [investigating 211 potential cases of voter fraud](#) from the November 4 presidential election, county officials said. Registrar of Voters Neal Kelley sent the list to the DA late last month after three-months of screening for people who tried to vote twice or illegally. Kelley said history has shown that most instances of double voting turn out to be unintentional. In some cases, people submit two absentee ballots or they submit an absentee ballot and then vote at the polls provisionally. "I've never had a conversation with someone who's done it maliciously," Kelley told the *Orange County Register*. The choice to press felony criminal charges will be determined by the district attorney's investigation. People convicted of voter fraud could face up to a three-year prison sentence. Kelley said his office used computer databases to search through 1.1 million votes to find cases where one person submitted more than one ballot. His staff examined voter registration files, voter rosters from the polling site and other information to confirm the duplicate votes. "The important thing is, all of these 211 were caught," Kelley told the paper. "There was not a second ballot that was counted through our policing process."
- Ex-Virginia election official [L.S. Hardaway](#) died this week at his home in Virginia. He was 81. According to the *Richmond Times-Dispatch*, the day Hardaway was sworn in as secretary of the State Board of Elections, he had to put his tractor away early from harvesting peanuts on his Sussex County farm. He had already asked for a few days' delay before starting the state board job so he could get the crop in and finish his responsibilities as Sussex County general registrar. Gov. Mills E. Godwin Jr. appointed Mr. Hardaway in 1967 to replace the retired secretary of elections, Levin Nock Davis. Mr. Hardaway served in that position until February 1971.

III. Research and Report Summaries

electionline provides brief summaries of recent research and reports in the field of election administration. Please e-mail links to research to sgreene@electionline.org.

[Report and Feedback November 2008 Connecticut Post-Election Audit](#) Observation - The Connecticut Citizen Election Audit Coalition, January 28, 2009

As required by state law, Connecticut conducted a post-election audit of the November 2008 election which the Connecticut Citizen Election Audit Coalition observed. Ten percent of the state's voting districts were chosen at random and all five offices on the ballot were examined. The Coalition, observing its fourth post-election audit, found standards, guidance for counting, consistency, reliability, and transparency lacking in the process along with a failure to follow basic chain-of-custody procedures. One of their greatest concerns was the difference reported between hand counts and machine counts in several jurisdictions and the varying explanations for these differences.

IV. Opinion

National: [EAC certification](#)

Alabama: [Voter ID, II](#); [Open elections](#)

Arizona: [Yuma City](#)

California: [Riverside County](#)

Florida: [Hillsborough County](#)

Minnesota: [Voter ID](#)

Mississippi: [Voter ID, II](#)

Montana: [Vote-by-mail](#)

New York: [Voting system](#)

Oklahoma: [Voting opportunities](#)

Oregon: [Online registration](#)

Washington: [Ranked-choice voting](#); [Sherril Huff](#)

***some sites require registration*