

**Minutes of the Public Meeting and Hearing
United States Election Assistance Commission**

Military and Overseas Citizens: Counting Their Votes – Part I

1225 New York Avenue, NW
Suite 150
Washington, DC 20005

The following are the Minutes of the Public Meeting and Hearing of the United States Election Assistance Commission (“EAC”) held on Tuesday, May 19, 2009. The meeting convened at 1:00 p.m. EDT. The meeting was adjourned at 3:26 p.m., EDT.

PUBLIC MEETING

Call to Order:

Chair Gineen Bresso Beach called the meeting to order at 1:00 p.m.

Pledge of Allegiance:

Chair Beach led all present in the recitation of the Pledge of Allegiance.

Roll Call:

EAC Commissioners:

Deputy General Counsel Gavin Gilmour called roll of the members of the Commission and found present: Chair Gineen Bresso Beach, Vice-Chair Gracia Hillman and Commissioner Donetta Davidson. Three members were present for a quorum.

Senior Staff:

Executive Director Thomas Wilkey, Deputy General Counsel Gavin Gilmour, Dr. Mark Abbott, Director of Grants

Panelists:

J. Bradley King, Co-Director, Indiana Election Division; Carye L. Blaney, Monongalia County Clerk, West Virginia; Tom Intorcio, Policy Specialist, National Conference of State Legislatures

Adoption of the Agenda

Commissioner Donetta Davidson moved to adopt the meeting agenda, which was seconded by Vice-Chair Gracia Hillman. The motion carried unanimously.

Welcoming remarks

Chair Beach extended a welcome to all in attendance, encouraging local election officials to view the web cast of the April 15, 2009, workshop that was held in Denver, Colorado, on “Cost-Saving Practices for Election Management” to determine whether there are any practices that they can implement in their own local jurisdictions.

Old Business:

Approval of the minutes from the previous meetings

Vice-Chair Hillman moved to adopt the amended minutes from the March 17, 2009, public hearing on “Voter Registration Databases: Initial Discussion on Reviewing HAVA-Mandated Guidelines,” which was seconded by Commissioner Davidson. The motion carried unanimously.

Commissioner Davidson moved to adopt the minutes from the April 15, 2009, public meeting of the EAC and the workshop on “Cost-Saving Practices for Election Management,” which was seconded by Vice-Chair Hillman. Brief discussion was held on the motion. The motion carried unanimously.

Report from the Executive Director

Executive Director Thomas Wilkey extended a welcome to everyone in attendance, providing the following update on activities that have occurred since the April 15, 2009, public meeting:

Several divisions within EAC have been restructured to improve operations, which include establishing a dedicated Finance Division that administers all grants; transforming the research program that will issue guidance on the National Voter Registration Act, develop election management guidelines, and create language accessibility resources; and, expanding the voting systems division in order to advance voting systems through the testing and certification process.

Under Grants, the 2008 and 2009 HAVA funds are being consolidated, so that states can apply for both funds with one state

plan, for which guidance is being developed and will be issued shortly to all states. Approximately \$196 million remains to be disbursed between the '08 and '09 HAVA funds. A total of \$20.4 million in FY 2008 HAVA requirements payments have been disbursed to date as follows: \$575,000 to the States of Montana, Idaho, Wyoming, North Dakota, Rhode Island and South Dakota; Iowa \$1.17 million; Oregon \$1.37 million; Oklahoma \$1.36 million; Connecticut \$1.36 million; Minnesota \$1.92 million; Colorado \$1.7 million; Georgia \$3.17 million; and, Pennsylvania \$4.92 million. HAVA college poll worker and mock election grants will be announced later during the month of May.

Under Voting System Testing and Certification, two full-time computer engineers were recently hired. They will assist in expediting the testing process by providing technical guidance/assistance to both vendors and election officials. Two additional voting systems, the ES&S Unity 3.2 and Premiere Assure 1.2, are expected to complete the testing process shortly, and the Sequoia WinEDS 4.0 test plan version 3.0 was recently approved. Two new Notices of Clarification on the laboratory independence requirement and development and submission of test plans were recently issued, and correspondence between EAC and iBeta regarding the reuse of testing for the ES&S Unity 3.2 was recently posted. Scytl Secure Electronic Voting S.A. was registered as a new voting system manufacturer, which brings the total number of registered vendors in the certification program to 12. A virtual public forum in which the EAC Board of Advisors commented on the first report of the Election Operations Assessment Project was held the previous week. The goal of the project is, one, to create tools that will help EAC in evaluating the security risks associated with various types of voting systems and, second, to inform the development of future iterations of the Voluntary Voting Systems Guidelines (VVSG). Both the comments and the report can be viewed on EAC's web site.

Under Research, Mr. Wilkey was pleased to report that all states have now responded to the 2008 Election Day Survey, in comparison to the 96 percent response in 2006 and the 93 percent response in 2004. In addition, states' responses are more complete than in previous years. The Election Data Collection Grant Report and the National Voter Registration Act Report are both scheduled to be released on June 30, 2009, which will be presented to the Commission at its June meeting for review and approval.

Mr. Wilkey concluded his report to announce that EAC submitted its Fiscal Year 2010 budget request to Congress, which has been posted to its web site.

Dr. Mark Abbott, Director of Grants, addressed the Commission to report that \$300,000 in grants are available for the student mock election competition and \$750,000 in grants are available for the poll worker competition, pointing out that the grants will be utilized in such a way that will allow for activities in both the 2009 and 2010 elections. Dr. Abbott pointed out that African-American and Hispanic institutions of higher education, in addition to programs that can propose partnerships with Offices of Disability within the universities, are being encouraged to apply for the poll worker grant in order to locate and support poll workers that have disabilities and to also develop materials in training activities and exercises for other poll worker programs in order to be more inclusive in who is a poll worker and more welcoming to individuals with disabilities when they arrive at polling locations.

Questions and Answers:

Vice-Chair Hillman asked Dr. Abbott if the full amount of the \$300,000 for the student mock election and the \$750,000 for the college poll worker programs would be granted out under the upcoming RFPs or whether it will be done in sections. Dr. Abbott replied that the full amount will be granted out, noting that a 24-month period of time will be allotted to spend the funds, which means that while the grants will be larger than the previous year there will be a slightly fewer number of grants allowing for funds to operate both in 2009 and 2010. Vice-Chair Hillman asked Mr. Wilkey whether the 2010 budget request submitted to Congress included funds for either or both the mock election and college poll worker programs. Mr. Wilkey noted that while the total 2010 budget request of \$16.8 million did not include funds for either of the programs, it will be addressed in the 2011 budget through OMB.

Chair Beach asked Dr. Abbott whether the criteria that EAC will be looking at in determining who can be awarded grants for either the mock election or college poll worker programs has changed from the previous year, or whether there is anything in appropriations language that would determine who can be awarded these grants. Dr. Abbott clarified that while there is nothing new from the previous year regarding the funding of the activities, the selection criteria for the grants were pared back slightly from last year's announcement in order to streamline the process. While matching or local funds are not required to apply for either or both programs, they would be

looked upon favorably. Dr. Abbott confirmed that this is the first year EAC would look to use as a selection criteria matching funds for these programs. Chair Beach further asked Dr. Abbott whether anything is being done differently to advertise these grant programs, to which he responded that the grants.gov web site is one channel that will be utilized in addition to reaching out to several college-based networks which run various civic service/volunteer programs, such as Campus Compact and League of Women Voters.

Vice-Chair Hillman questioned Dr. Abbott whether the grant funds can be used for activities in non-federal elections, to which Dr. Abbott responded that the appropriations law only specifies for use in '09 elections, and therefore it was interpreted broadly.

Vice-Chair Hillman questioned Mr. Wilkey regarding what the status is of the transfer of the National Voter Registration Act regulations from the Federal Election Commission (FEC) to EAC, to which Mr. Wilkey responded that Counsel's Office has been communicating with the FEC regarding this matter on a periodic basis. Staff has been instructed to take a look at the regulations as they are presently constituted, so that when the transfer is complete they can move on this as quickly as possible. Deputy General Counsel Gilmour confirmed that FEC is waiting on permission from its subcommittee on rulemaking to begin working with EAC on amending the proposed rulemaking that was drafted and sent to FEC, pointing out it is anticipated that negotiations will be taking place by the end of May, beginning of June. Vice-Chair Hillman requested that the Commissioners be kept up-to-date regarding the progress of this matter. Mr. Wilkey clarified that the \$20.4 million in requirements payments disbursed to date are only for FY 2008. Mr. Wilkey confirmed Vice-Chair Hillman's observation that the 100 percent response to the 2008 Election Day Survey can be attributed to both the technical assistance/outreach that was provided by EAC staff to the states, which will most likely continue in the future, in addition to the fact that states are now becoming adjusted to the process after three terms. Mr. Wilkey also confirmed for Vice-Chair Hillman that the grants provided to the five states to establish methods for gathering Election Day data is being done at the precinct level.

Commissioner Davidson questioned Mr. Wilkey whether staff is receiving feedback from the states regarding their satisfaction with the Election Day survey and, therefore, that is the reason they are suggesting that future surveys not be changed. Mr. Wilkey responded in the affirmative that states would like the survey to

remain as stable as possible that will still require the OMB process, which is very time consuming, even with no changes. It was noted that staff would be briefing the Commissioners within the next several days regarding its recommendations concerning how it should move forward with this topic.

Chair Beach requested Mr. Wilkey to recite the five states that received the Election Data Collection Grants, which he pointed out were Illinois, Ohio, Pennsylvania, Wisconsin and Minnesota. Mr. Wilkey confirmed that the recent transformation of the research program into a broader division for the purpose of issuing guidance on updating the NVRA, which is being done in consultation with the National Academy of Sciences, concerns the voluntary guidance that will be recommended to the Commissioners for approval, and that some is guidance provided for under HAVA. Mr. Wilkey noted that he would keep the Commissioners apprised regarding the status of the release of the final report by the National Academy of Sciences as to its recommendations with respect to updating the NVRA.

Commissioners Closing Remarks

Vice-Chair Hillman reminded all in attendance that the EAC Board of Advisors would be meeting in Washington, D.C. June 2-4, 2009.

[The public meeting recessed at 1:36 p.m., reconvening at 1:46 p.m.]

New Business:

Hearing on Military and Overseas Citizens: Counting Their Votes – Part 1

Chair Beach welcomed everyone in attendance to the public hearing portion of the meeting on “Military and Overseas Citizens: Counting Their Votes -Part 1,” pointing out that it is anticipated the second portion of this hearing would be held in the fall and will focus on the results of the UOCAVA survey.

Chair Beach outlined the steps that are being taken by both the Federal Government, along with many interest groups, to analyze the issues and solutions associated with UOCAVA voting, which included the following: A recent hearing by the Senate Rules Committee entitled “Problems for Military and Overseas Voters: Why Many Soldiers and Their Families Can’t Vote,” an upcoming hearing that the Committee on House Administration will be holding entitled “Military and Overseas Voting: Obstacles and Potential Solutions,” reintroduction of both the Military Voting

Protection by Senator Cornyn and Congressman McCarthy and Overseas Practical Amendments Acts by Congresswoman Maloney, recent legislation that was introduced by Congressman Holt seeking improvement for UOCAVA voters and providing all stakeholders with UOCAVA data through EAC's research and the HAVA-mandated Election Day survey.

Chair Beach emphasized that identifying areas of improvement to UOCAVA voting will require, one, avoiding a one-size-fits all approach and; two, recognizing states' role in voter registration and ballot transmission. Chair Beach reiterated that her goal is to provide a national platform and clearinghouse for solutions and ideas to improve services for both military and overseas voters because they expect and deserve their voices to be heard on Election Day.

Panelist:

Chair Beach was pleased to introduce and welcome J. Bradley King, Co-Director, Election Division of the Office of the Secretary of Indiana.

Mr. King addressed the Commission, on behalf of Secretary of State Todd Rokita, to present the following four suggestions for utilization in communicating with military and overseas voters:

1. Include military and overseas voters in every part of election administration to offer insight into the strengths and weaknesses of the federal, state and local programs in providing ballots to UOCAVA voters. The talents and skills of citizen soldiers developed and polished during their service will carry over into their civilian life. In recognition of the ongoing role of citizen soldiers, the Office of the Secretary of State has participated in "Hoosier Veteran Seamless Transition" workshops held in several locations throughout the state, which provide Hoosier soldiers returning from combat with the services involving voter registration and absentee balloting services.
2. Always ask local election administration for assistance; they will do almost anything for a military or overseas voter. The best communication strategy to local election officials is to *begin* by assuming that they will make extraordinary efforts. They simply need the information to help them do more or do what must be done efficiently.

3. Listen to feedback and learn from experience; “assume electronic,” not paper. Evan Shearin, the military representative on the Vote Indiana Team,” has emphasized that while there will always be a need for paper versions of “The Military and Overseas Voters’ Guide” that was developed by the Office of the Indiana Secretary of State and recognized by the EAC as a Best Practice for Facilitating UOCAVA voters in 2004, states would be better served by decreasing the number of paper copies printed and increasing, as much as possible, electronic distribution of this publication. The content of the Guide should be a living document, subject to ongoing review. Feedback from military voters has been pivotal in updating Indiana law to incorporate the most modern technology available to UOCAVA voters. Recognition regarding the availability of email led to one of the most innovative outreach efforts undertaken by the Office of Secretary of State; a mass email to Indiana National Guard members deployed overseas that contained information about how to vote and how to cast an absentee vote, reaching more than 3,500 Guard members. The outreach was achieved at no cost and just a minimal amount of staff time to coordinate the effort. Beginning July 1, 2010, Indiana will join the States of Arizona and Washington in making online registration available to individuals registered to vote and who possess a current and valid Indiana driver’s license or identification card for non-drivers via a secure website established by the Secretary of State, for which the potential benefits to military and overseas voters is particularly significant.
4. Don’t just show up on Election Day; be there throughout the year to show interest and support for military and overseas voters. Engaging in non-election outreach efforts emphasizes the importance and mutual benefits of developing and maintaining ongoing relationships with military and overseas voters that includes more than just the absentee voting process. When election administrators make certain that ballots are made available to service members, and are returned and counted, their work will be more effective if the military understands a little bit more about how the election administration process works. Election administrators also benefit if they understand how the military communicates and provides support to its service members.

Panelist:

Chair Beach was pleased to introduce and welcome Carye Blaney, County Clerk, Monongalia County, West Virginia.

Ms. Blaney addressed the EAC to provide a brief overview regarding the roles and responsibilities of County Clerks in the State of West Virginia and to also provide feedback regarding the use of fax machines and/or emails to transmit and receive absentee ballots with UOCAVA voters during the 2008 elections by means of the Federal Voting Assistance Program (FVAP).

Ms. Blaney outlined the following solutions, innovations and recommendations that could be used in providing the same level of customer service to UOCAVA voters that is afforded to statewide voters:

1. An increased marketing effort to inform the active military and their families regarding the availability of an absentee ballot.
2. Allowing the use of a web cam in casting the absentee ballot directly with the local election official, or taking advantage of some of the new technology available through vendors who have developed applications and processes to allow the electronic submission of a ballot in a way that provides greater accessibility, security, privacy and efficiency at a lower cost and would decrease the number of persons involved in the processing of an individual ballot.
3. Implementation of one centralized location in each state that would be responsible for handling the absentee voting process for UOCAVA voters, such as the Secretary of State's Office, which would assure the voter their ballot will be received securely and expeditiously and its sanctity would be protected. Cost savings to local election officials in hardware, software, labor, postage and time would be significant.

Panelist:

Chair Beach was pleased to introduce and welcome Tom Intorcio, Policy Specialist, National Conference of State Legislatures.

Mr. Intorcio addressed the Commission to provide brief testimony with respect to the military and overseas voting experience through 2008, which included providing a copy of President Harry S Truman's letter to Congress dated March 28, 1952, asking for emergency legislation to address election calendar obstacles and other legal defects to make it possible for military personnel to cast absentee ballots during the November election, which was submitted into the record. Mr. Intorcio's testimony also outlined

various research points that are contained in the January 2009 report from the Pew Center on the States entitled “No Time to Vote: Challenges Facing America’s Overseas Military Voters,” the first detailed public analysis of states’ voting systems for overseas and military voters.

Mr. Intorcio next addressed the issue of state reform initiatives and innovations, which includes providing a bare minimum of 45 days transit time to improve the system, such as Washington State which recently moved its primary election from the third week in September to August 19; Ohio enacted legislation permitting a completed ballot to be returned up to 10 days following Election Day; and, California which is currently considering legislation to extend the deadline to 21 days. It was noted by Mr. Intorcio that longer extensions may involve a delay with the production of preliminary election results.

Mr. Intorcio concluded his testimony by reporting that the trend is toward electronic transmission of ballots, for which there has been very substantive movement in the states, pointing out that Arizona is currently the only state that authorizes overseas and military voters to vote online, and to further report that the number of bills pending in the legislature that would incorporate electronic or online voting to assist military and overseas voters are more than double what they were the previous year, giving indication that states are reacting favorably and positively to address this difficult topic.

Chair Beach welcomed the presence of Federal Assistance Voting Program representatives Acting Director Bush and Deputy Director Wiedmann. Chair Beach thanked them for their attendance and pointed out that the EAC is looking forward to working with them on the important topic of improving services for military and overseas voters.

Questions and Answers:

Commissioner Davidson’s first question to the three panelists concerned whether they in their states have ever conducted a test in which they transmitted emergency ballots via email or the Internet.

Mr. King commented that Indiana received statutory authority several years prior for the transmittal and return of ballots, which was refined in the last legislative session to clear up areas where the application of the law was not explicit. Internet voting has been discussed at the HAVA-state plan committee level, but it has never

taken the form of legislation necessary to authorize use of the Internet.

Ms. Blaney commented that the Secretary of State gave counties the option to utilize a fax and/or email to reach military and overseas voters during the 2008 election through the Federal Voting Assistance Program. Ms. Blaney further pointed out that several vendors have approached the state about the possibility of utilizing the Internet and doing a completely electronic version for military and overseas voters, for which there is a possible pilot project in which one or more counties in West Virginia will be used for the next election.

Mr. Intorcio reiterated that Arizona is the only state that currently authorizes the casting of an electronic ballot. Five other states, during the 2008 election authorized the casting of a ballot electronically, typically by email or a secure online link via a virtual private network system. Mr. Intorcio pointed out that legislation is moving rapidly toward the implementation of electronic ballot transmission, which is gaining very strong momentum. Examples of states he provided that are moving in this direction included Alabama, Hawaii and Colorado. Mr. Intorcio further noted that online voter registration is also becoming a trend, which will benefit the UOCAVA population.

Vice-Chair Hillman asked Mr. King to review the typical process from what first triggers a voter registration, and then a ballot request to a military or overseas voter through to what happens at the state and local levels in the following two scenarios: 1) Where there is a good address for the voter; and, 2) In a situation where the voter is reaching out to the Secretary of State's Office for information about how to become a registered voter. Mr. King first explained that it is a process, not a day. The process of casting an absentee ballot requires that the individual be registered and has a current address to ensure that the ballot is transmitted and reaches the military or overseas voter in time. The first step that occurs at the local level is the preparation of the ballot for an individual to receive, with the real process taking place during the second half of September, when following ballot finalization paper ballots are shipped out around the world to APO and FPO addresses. If they cannot be delivered, local election officials reach out in an attempt to find the voter, such as contacting a family member to ascertain the overseas or military voter's current address. Generally, the voter has until noon, ten days after the election for the ballot to be returned by mail. Indiana also uses both fax and email for the transmitting of ballots. Mr. King commented that faxes pose a

particular problem, and it is his belief they will be obscure in 20 years. Mr. King further reported that ballots may be returned via fax, and voters are informed that by doing so they are voluntarily waiving secrecy of their ballot. In response to Vice-Chair Hillman's inquiry into what is done to ensure the privacy of ballots returned via fax, Mr. King explained that a faxed ballot is treated upon receipt much in the same manner, as much as possible, as any other absentee ballot, which means it is taken by the county election office, sealed in a secrecy envelope and marked "Absentee ballot by fax", which is not processed until Election Day. In response to Vice-Chair Hillman's question regarding how an overseas citizen registers to vote, Mr. King explained that the Secretary of State's Office and Election Division facilitate in getting the necessary information out as quickly as possible to the county voter registration office, after which the county registrar determines the validity of all registration applications. Vice-Chair asked Mr. King whether Indiana has any special outreach materials/information for families of military and overseas voters. Mr. King answered that the Military and Overseas Voters' Guide is available on the Secretary of State's web site, pointing out that any creative outreach it can undertake, such as mass emails or press releases, alerting voters regarding the presence of the web site and presence of the information benefits everyone by making them aware of the available resources.

Vice-Chair Hillman's first question to Ms. Blaney concerned whether County Clerks have the authority to utilize technology to further advance the processing of UOCAVA ballots and registration. Ms. Blaney replied that they are restricted by state law. Vice-Chair Hillman questioned how much room County Clerk's have in being creative when utilizing technology and what borders they bump up against restricting them from using these technologies/processes. Ms. Blaney explained that while County Clerks have marketing authority to reach out to military and overseas voters, they do not have the ability to put forth a totally Internet-based voting system without the authority of its state legislature. With regard to Vice-Chair Hillman's question as to whether the processing of UOCAVA absentee ballots via fax is outgoing and incoming, Ms. Blaney explained that when military and overseas voters complete an application to receive an absentee ballot can indicate whether they wish to receive and transmit that ballot back via fax. Ballots are sent to the Department of Defense (DoD) which it can both forward to overseas and military voters and also transmit back to local election offices. Ms. Blaney, in response to Vice-Chair Hillman's inquiry into whether these voters understand that the DoD serves as an intermediate auditor between the local election office and the

actual voter commented that it is her belief the majority are of the understanding they are dealing directly with the local election office, pointing out that most military and overseas voters would prefer a seamless line with their local election official. Vice-Chair Hillman asked Ms. Blaney what is her understanding of the assurance of privacy the voter has going through the FVAP process. Ms. Blaney responded that West Virginia has a plan in place in which there is a certain time period, working through DoD, that ballots can be faxed back to the local election office, which are received by a Democrat and Republican division of party line person, placed into a security envelope, placed in an absentee ballot box, and processed on Election Day. In response to Vice-Chair Hillman's inquiry into what assurance of privacy there is of ballots upon receipt at the DoD, Ms. Blaney commented that while she was not able to speak to the specifics, it is her belief that DoD would have the same privacy/secrecy requirements in place of their personnel to protect the sanctity of ballots. Ms. Blaney explained that while she is comfortable with the process and it provides an opportunity to reach more voters, there is always room for improvement to the system. Involving fewer people in the processing of ballots ensures the protection of voters' privacy, and removing paper ballots eliminates security issues.

Mr. Intorcio confirmed Vice-Chair Hillman's inquiry that the National Conference of State Legislatures holds both a spring and a fall forum, in addition to an annual meeting typically held in July or August, which is entitled a Legislative Summit, and are attended by its standing committees. In addition, NCSL also holds invitational meetings. The two standing committees that address issues pertaining to HAVA are the Criminal Justice Committee or the Redistricting Elections Committee. Vice-Chair Hillman asked, since the passage of HAVA, how many NCSL conferences/seminars have focused on HAVA issues. Mr. Intorcio responded that while he has only been with NCSL for 19, 20 months, issues related to HAVA have been discussed in prior meetings, noting that he anticipates the topic of HAVA will be addressed in the near future. Vice-Chair Hillman strongly encouraged NCSL to take advantage of the various forums where state legislatures come together to address various law changes, because of the fact that legislators have very little understanding of HAVA, the interface of HAVA and the processes in their state, and the availability of the many millions of dollars that the Federal Government has made available to the states.

Chair Beach asked Mr. Intorcio whether he has any statistics/data of the financial impacts that counties incur in connection with

programs/innovations that assist UOCAVA voters. Mr. Intorcio responded by commenting that budget scoring of election legislation is not something that is regular as a practice, pointing out that while some states automatically score each bill that goes through an elections committee, other states may do so under special request. He also noted that Colorado's legislature recently adopted a pilot program for electronic voting by UOCAVA members that was budgeted at roughly \$485,000, which is a relatively small amount of funding in comparison to other major election reform bills such as Maryland's attempt to fund its early voting program.

Chair Beach asked Ms. Blaney whether she had any recommendations on what state and local officials, along with the EAC, can do to educate overseas voters regarding the absentee ballot process and the options that are available to them, to which she recommended creating one centralized voting location, such as the Secretary of State's Office. Ms. Blaney pointed out that due to privacy concerns, names of overseas voters are not made available at the local level. If a mechanism could be put into place, possibly through the DoD or the local military affairs branch, and there was a release of privacy, local election officials could then reach out to assist these voters. Chair Beach questioned Ms. Blaney with regard to how updated addresses for military voters are obtained, to which Ms. Blaney explained that if they had requested an absentee ballot in the past, their name is kept on a military mailing list. In instances where communications are returned containing no forwarding address, attempts are made via a third-party approach, i.e., contacting a family member, to ascertain whether the individual is still serving in the military. Chair Beach also asked about the statistics provided by Ms. Blaney about the number of ballots cast by UOCAVA voters. Ms. Blaney explained that the numbers come from the state level, with an estimated 42,000 or so UOCAVA voters from West Virginia, and that an estimated 4,000 ballots were requested with approximately 2400 being returned.

Chair Beach asked Mr. King whether any of the initiatives undertaken by Indiana for assisting military and overseas voters required legislation, and if so, how long it takes to implement such legislation. Mr. King reported that many of its initiatives required legislation, including online voter registration and the transmission/receipt of absentee ballot materials. However, reaching out to overseas voters and military personnel by any elected official or administrative agency in the election process does not require legislation.

To all three panelists, Chair Beach asked, what advice they would give to overseas and military voters with respect to what they can personally do to work with state and local levels to assist in both the registration and absentee ballot transmission processes. Mr. King recommended keeping materials as straightforward and simple as possible, in order to make sure those voters who are inclined to do so take advantage of the opportunity to register and vote. Ms. Blaney recommended promoting the use of information available on the state's web pages, in addition to impressing upon voters that it is their responsibility to provide their local election official with their correct information. Mr. Intorcio recommended promoting a greater familiarity with both the Federal Write-In Absentee Ballot (FWAB) and the Overseas Vote Foundation.

Commissioner Davidson asked Mr. King what his recommendations were with regard to making available the Federal Write-In Absentee Ballot, and whether it is being utilized. Mr. King commented that while this tool is being used and local election officials are trying to make it work, it is not being utilized at the level one would hope for, knowing the need that currently exists. Mr. King commented, in his belief that many local election officials would find it very illuminating to have a presentation by the military postal service in order to understand both their time constraints and methods of operation that affect the transmittal/use of the FWAB, along with regular ballots. Mr. King also commented that he would find it intriguing to hear a spokesman from the State Department provide information regarding the process for overseas voters registering with Embassies, and how local election officials can reach out to overseas voters regarding the process. Ms. Blaney noted that in her particular county it was used in less than five cases, where voters took advantage of the FWAB, and it is her belief that it is sparsely used in the other counties. Ms. Blaney also reiterated that communication is the key in reaching overseas and military voters through some method to allow and avail to them all of their opportunities to be able to get their ballot back to their local election official in an expeditious manner as possible.

Commissioner Davidson emphasized the fact that the Federal Voting Assistance Program (FVAP) has been very proactive in working with both state and local officials in gaining a correct address for military voters.

Mr. Wilkey posed the following question to Mr. King and Ms. Blaney: Do they believe there's a notion among election officials and voters that the FWAB is not a real ballot, which may attribute to it not being utilized? Mr. King responded by pointing out users of

this tool are not as sophisticated in the election administration process and that extra effort needs to be taken to educate voters with respect to this type of ballot. Ms. Blaney concurred with Mr. King that educating voters regarding the FWAB would make them more comfortable in utilizing it to their benefit. Mr. King concurred with Mr. Wilkey's comment that the majority of innovations in election administration come from the smaller jurisdictions. In response to Mr. Wilkey's inquiry into what is a more secure mechanism to receive a ballot, fax or email, Mr. King responded by saying, it's the danger you know and the danger you don't know. The danger with faxed ballots is the element of human involvement. The danger with transmitting ballots via the Internet is the unknown potential risks, and it is a question of gathering more information to be more confident in the process. Ms. Blaney commented that the more secure method is the Internet and electronic technology; that there is a false sense of security that some voters have in using paper ballots. The less people involved in the process from beginning to end provides the voter with the greatest amount of privacy and protection of the sanctity of their ballot. Mr. Wilkey concluded his remarks by encouraging Mr. Intorcio's organization to continue its leadership in informing state legislatures how much of a role they play in resolving the major obstacles related to UOCAVA and overseas voters.

Commissioners' Closing Remarks

Commissioner Davidson offered EAC's assistance at future NCSL's meetings in the way of giving presentations and/or answering questions of legislatures. Mr. Intorcio thanked Commissioner Davidson for her offer, noting that this would be explored with staff and he will provide a follow-up to the Commission.

Chair Beach concluded the public hearing by thanking all three panelists for their testimony, extending her commendations for their efforts and hard work.

The meeting/public hearing of the EAC adjourned at 3:26 p.m. EDT