RECOMMENDATIONS FROM THE CSG OVERSEAS VOTING INITIATIVE POLICY WORKING GROUP

OVERVIEW AND KEY RECOMMENDATIONS

The Overseas Voting Initiative is a partnership between The Council of State Governments, or CSG, and the U.S. Department of Defense Federal Voting Assistance Program. The CSG Overseas Voting Initiative is charged with developing targeted and actionable improvements to the voting process for the 1.3 million members of the uniformed services and Merchant Marines stationed away from home, their approximately 700,000 eligible family members, and the 4.3 million U.S. citizens living, studying and working overseas. These voters face unique voting obstacles due to their mobility, the time required to transmit ballots, and the patchwork of rules and regulations required by the 55 different sets of election laws of the states and U.S. territories.

The CSG Overseas Voting Initiative Policy Working Group makes the following recommendations:

Voter Communication

- Use plain language.
- Make effective use of election websites and social media.
- Create more user-friendly electronic ballot return envelopes.
- Communicate to voters when the ballot application is accepted.
- Provide information to voters about what is on the ballot.

Federal Post Card Application

- Treat the FPCA as a permanent request for voter registration.
- Establish a default validity period for the FPCA mail ballot request.

Online Voter Registration

- States that provide online voter registration should incorporate online registration for overseas and military voters.

Improved Engagement with U.S. Military Community

- Establish partnerships between state and local election officials and local military installations.

BACKGROUND

In late 2013, CSG and the U.S. Department of Defense Federal Voting Assistance Program entered into a four-year partnership to improve the return rate of overseas absentee ballots from service members and U.S. citizens abroad. One component of the CSG Overseas Voting Initiative is the creation of a policy working group composed of state and local election officials. Members of the policy working group include:

- Secretary of State Kim Wyman, Washington
- Secretary of State Jim Condos, Vermont
- Secretary of State Jon A. Husted, Ohio
- Director of Elections Gary Poser, Minnesota
- Director of Elections Keith Ingram, Texas
- Director and General Counsel Kevin Kennedy, Government Accountability Board, Wisconsin
- Executive Director Lance Gough, Board of Election Commissioners, Chicago
- Supervisor of Elections David Stafford, Escambia County, Fla.
- Registrar of Voters Michael Vu, San Diego County, Calif.
- Senior Adviser Tammy Patrick, Bipartisan Policy Center—Auxiliary Member, CSG Overseas Voting Initiative Policy Working Group; member of the Presidential Commission on Election Administration.

The working group is supported by Kamanzi Kalisa, the CSG Overseas Voting Initiative director; Michelle Shafer, CSG senior research associate; and Ann McGeehan, CSG special adviser. The policy working group met three times in 2015 in San Antonio, Texas; Pensacola, Fla.; and Orange County, Calif. Each meeting location was selected for its proximity to U.S. military installations, which facilitated conversations with local military voting assistance officers and installation commanders, and—in San Antonio and Pensacola—allowed for onsite visits to the installations. The meetings also included presentations by academics, election data analysts, U.S. Election Assistance commissioners, Federal Voting Assistance Program officials, and state and local election officials. In addition to the in-person meetings, the policy working group met via teleconference several times throughout the year. As the foundation of this work effort, the CSG Overseas Voting Initiative Policy Working Group examined successful programs and practices across the country as well as recommendations from the Presidential Commission on Election Administration related to military and overseas voting.

After the April meeting of the working group in Pensacola, Fla., the working group identified four central policy areas related

to its work and created the Voter Communication, Federal Post Card Application, Online Voter Registration and Improved Engagement with the U.S. Military subcommittees.

The Voter Communication subcommittee investigated strategies to improve communications with U.S. military and overseas voters such as enhancements to written materials, as well as the use of social media and digital communication tools.

The Federal Post Card Application subcommittee studied how to improve voter registration and voting processes using the Federal Post Card Application. The Federal Post Card Application was designed to streamline the voting process for military and overseas voters by combining the voter registration application and the request for a mail ballot, but it is subject to different rules based on varying state laws. The subcommittee reviewed best practices around the country, and considered how to improve the administration of FPCAs nationwide.

The Online Voter Registration subcommittee considered how to tailor online voter registration systems to accommodate military and overseas voters more effectively. The subcommittee reviewed systems in states that have adopted online voter registration and studied best practices associated with this process.

The Improve Engagement with the U.S. Military Community subcommittee reviewed successful partnerships between local election officials and military installations to determine best practices in this area and how election officials across the country could build partnerships with military communities to better engage military voters.

The following recommendations of each subcommittee were reviewed and approved by The CSG Overseas Voting Initiative Policy Working Group during a September 2015 meeting in Orange County, Calif.

POLICY RECOMMENDATIONS

Overseas U.S. military and civilian voters are often located in remote areas, lacking access to the voting information and technology used by U.S. civilian voters residing within their home voting precincts. The challenges that voters covered by the Uniformed Overseas and Civilian Absentee Voting Act, or UOCAVA, face is further complicated by extreme variations in how states conduct elections and, in particular, how absentee ballots are provided, returned and counted. The CSG Overseas Voting Initiative Policy Working Group members have identified several policy recommendations for the administration of programs and processes provided by UOCAVA that can improve the military and overseas voting process. These recommendations can be carried forth by CSG, FVAP and the Policy Working Group members to various events and meetings as sound and actionable recommendations that will minimize obstacles faced by these voters.

1 Voter Communication

Subcommittee Members: Kim Wyman, Keith Ingram, David Stafford

Recommendation: Use plain language. The CSG Overseas Voting Initiative Policy Working Group supports the use of clear, concise, accessible written and verbal communications targeting UOCAVA voters at every step in the voting process. These materials should be designed in a manner that makes it as easy as possible for all UOCAVA voters to understand. Specific suggestions include providing checklists to the voter explaining step by step how to vote and return the ballot. State policymakers should refrain from prescribing specific language for voter communications into statute. Instead, state policymakers may wish to grant rule-making authority to the chief state election official and provide local election officials with some flexibility to tailor communications as circumstances require.

Recommendation: Make effective use of election websites and social media platforms. The CSG Overseas Voting Initiative Policy Working Group recommends that election officials designate a portion of their election office websites and social media/online platforms for UOCAVA-specific content, considering that the Internet is the primary platform through which election officials communicate with UOCAVA voters. Websites should be easily accessible and compatible with mobile devices. Websites should incorporate responsive web design—a web design approach aimed at providing an optimal viewing and interactive experience for the user—easy reading and navigation with a minimum of resizing, panning and scrolling across a wide range of devices. Since a majority of the military population is young, web design and social media communications should be designed for a younger audience, use plain language and avoid technical election terms. The Escambia County, Fla., Supervisor of Elections Office and Chicago Board of Elections websites serve as good examples of this recommendation.

Recommendation: Create more user-friendly electronic ballot return envelopes. The CSG Overseas Voting Initiative Policy Working Group recognizes the difficulties that some UOCAVA voters face when printing a ballot and printing and constructing the required envelope in which to enclose the ballot for mailing purposes. The working group encourages jurisdictions to reconsider the traditional envelope and encourages FVAP to work with states to create a more user-friendly electronically delivered design. Weight should be given to voter intent when envelope folding and sealing directions were not successful, but ballot selections were clear. UOCAVA, USC 20302(a)(7) requires state election officials to provide blank absentee ballots electronically to UOCAVA voters. The CSG Overseas Voting Initiative Policy Working Group recommends the implementation of electronic ballot delivery platforms. It is not enough to merely provide the platform; there is a need to regularly publicize and explain its availability which must be communicated to all UOCAVA voters.

Recommendation: Communicate to voters when the ballot application is accepted. UOCAVA, 52 USC 20302(d) requires that upon receipt of the Federal Post Card Application for the purpose of registering to vote or requesting an absentee ballot, the election official must notify the voter if the application is rejected and provide the reason for rejection. The working group recommends that election officials should also notify the voter if the application is accepted. An acceptance notification should be issued, stating that the local election office will send a ballot 45 days prior to each primary and general election on the jurisdiction's election calendar. It is further recommended that such notifications provide the length of validity for the request, or its expiration date, after which a new request should be filed. The working group also recommends that election officials use electronic communications tools such as email, EMS updates, elections websites, ballot trackers and push notifications to better inform UOCAVA voters about election dates, important deadlines throughout the absentee voting process, changes to state laws that may affect how voters request and cast their ballots, and other critical absentee voting information. The UOCAVA law also requires election officials to establish a free access system such as a website for voters to determine if their ballot was received by the election official. The CSG Overseas Voting Initiative Policy Working Group recommends that election officials go beyond the minimum requirements of UOCAVA by providing notice for both the acceptance and the rejection of an absentee ballot within the same free access system. If the ballot is rejected, information should be provided to the voter indicating why it was rejected and how to correct it or prevent future rejections, as permitted under state law.

Recommendation: Provide information about what is on the ballot. Citizens voting in their home precincts often have access to customized sample ballots that are either rendered images of their actual Election Day ballot or listings of candidates, ballot items and instructions for voting. UOCAVA voters are often at a disadvantage when attempting to prepare for an election if they are unable to access information identifying what will be on the ballot. The CSG Policy Working Group recommends that election officials provide UOCAVA voters with ballot content information that includes an image of the actual Election Day ballot or lists all eligible candidates and ballot items that can be posted online or delivered electronically no later than 45 days before Election Day.

2 Federal Post Card Applications

Subcommittee Members: Kevin Kennedy, Carrie Kuruc (for Jon Husted), Tammy Patrick

Recommendation: Treat the FPCA as a request for permanent voter registration. UOCAVA requires states to use the FPCA as a simultaneous voter registration and absentee ballot application. Some states require the FPCA to be treated as a temporary voter registration for purposes of issuing an absentee ballot, and the voter registration expires upon the expiration of the FPCA. Other states treat the FPCA as a standard request for voter registration and a request for ballot by mail. In these states, the FPCA voter's name is added to the permanent voter rolls. The variation in how states treat FPCA voter registration can cause confusion between FPCA voters. The CSG Overseas Voting Initiative Policy Working Group recommends that all states accept the FPCA as a request for voter registration, and that FPCA voters' names be added to the official list of registered voters. The working group recognizes that state laws differ on the type of ballot that an FPCA voter may be eligible to receive. For example, some states provide that FPCA voters who affirm an uncertain intent to return to the United States receive a ballot containing federal offices only. Although the CSG Overseas Voting Initiative Policy Working Group recommends that states treat the FPCA as a request for permanent registration, state law would continue to determine the type of ballot an FPCA voter is eligible to receive.

Recommendation: Establish a default validity period for the FPCA mail ballot request. Prior to the passage of the federal Military Overseas Voter Empowerment Act, or MOVE Act, federal law mandated that an FPCA request for mail ballot remain valid for two federal general elections. Due to concerns about the mobility of military and overseas voters, the MOVE Act shortened the validity period to one year. Some states have adopted the one-year validity period, while other states have maintained the validity period of two federal general elections. This variation in FPCA validity periods can be confusing for voters and makes it difficult to educate FPCA voters on the process. In addition, confusion exists concerning FPCA requests that are submitted late in a calendar year. The CSG Overseas Voting Initiative Policy Working Group encourages states to develop a standard "default" validity period of not less than one full federal general election cycle for all FPCA ballot requests. Regardless of its filing date, the FPCA should remain valid until Dec. 31 following the next federal general election, at a minimum. In addition, clear communication of the expiration date for all FPCA requests is critical.

3 Online Voter Registration for U.S. Military & Civilian Overseas Voters

Subcommittee Members: Jim Condos and Gary Poser

Recommendation: States that provide online voter registration should incorporate online registration for overseas and military voters. Resources concerning online voter registration topics should be reviewed and shared as case studies of online voter registration systems being developed by various states and local jurisdictions, including fiscal analysis demonstrating return on investment of these systems. Data provided by members of the working group show 28 states administer online voter registration systems. Should states choose to establish online voter registration systems, the CSG Overseas Voting Initiative Policy Working Group recommends an online voter registration system design that allows a voter to apply for an absentee ballot as a UOCAVA voter using an FPCA, or a state equivalent. This would allow the voter to submit the request from any location worldwide and would place the voter in the appropriate status in the relevant voter registration database. This recommendation assumes that state online voter registration systems adhere to appropriate state IT policies that capture and assess information utilizing relevant authentication and validation protocols.

The development and administration of an online voter registration system should incorporate language addressing information security. In addition, responsive design requirements should be included to ensure the usability of the online voter registration system on multiple devices. A voter's information should only be inputted once. States considering automatic registration models should incorporate all necessary elements for UOCAVA voters used in the FPCA. States should review existing Elections Code provisions to remove and/or update technology-limiting and device-specific language. When drafting new legislation, the broadest, most inclusive language should be used to ensure adaptability with future technological advances.

4 Improved Engagement with the U.S. Military Community

Subcommittee Members: Lance Gough and Michael Vu

Recommendation: Establish partnerships between state and local election officials and local military installations. Many CSG Overseas Voting Initiative Policy Working group members who serve as local and state election administrators promote active and collaborative programs with military installations in or adjacent to their respective jurisdictions. This includes active duty personnel, veterans, base employees, military service personnel and the families of these groups. The working group recommends that state and local election administrators implement programs and policies that actively engage their local military communities on overseas voting issues. Examples of these types of partnerships include the recruitment of military spouses to work and volunteer in local and state election offices, the sharing of FVAP videos and written content on local and state election administration websites, and identifying military installations and engaging their staff and infrastructure.

CONCLUSION

Recommendations such as the permanent voter registration for FPCA voters may require changes to state law and are intended for state level policymakers. However, several of the recommendations put forth by the CSG Overseas Voting Initiative Policy Working Group, such as improving voter communication, can be implemented immediately by state and local election officials without legislative changes. It is the sincere wish of the working group that this report provides state policymakers and state and local election officials with actionable recommendations that will better serve America's military and overseas voters and improve the rate of returned, counted absentee ballots.

The CSG Overseas Voting Initiative continues its work through December 2017 and will issue additional recommendations from the technology working group. The CSG Overseas Voting Initiative also will share the results of a comprehensive analysis of strategies to improve the accuracy and consistency of voter data through election data standardization across the states. For additional information, please visit *www.csg.org/ovi* and @CSGOverseasVote on Twitter.

The Council of State Governments Overseas Voting Initiative Approach to Work Group Collaboration

The product of this work group was the result of the collaboration of a bi-partisan assemblage of elected and appointed officials from across the United States to address issues with voting access by military personnel and their families stationed around the world and US citizens outside the United States. While the participating members of the work group represent the political spectrum of ideas, the members understood that the resulting work product of the group would be a non-partisan consensus approach to addressing the issues. As a result, this report should be viewed as the collaborative work of the committee and does not represent the positions or beliefs of any individual work group member.