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STATEMENT OF
DR. DAVID S. C. CHU
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS
BEFORE THE
SENATE ARMED SERVICES COMMITTEE
ON THE
FEDERAL VOTING ASSISTANCE PROGRAM
ON
SEPTEMBER 28, 2006

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Under Secretary of Defense for Personnel and Readiness

The Honorable David S. C. Chu

David S. C. Chu was sworn in as the Under Secretary of Defense for Personnel and Readiness on June 1, 2001. A Presidential appointee confirmed by the Senate, he is the Secretary's senior policy advisor on recruitment, career development, pay and benefits for 1.4 million active duty military personnel, 1.2 million Guard and Reserve personnel and 680,000 DoD civilians and is responsible for overseeing the state of military readiness.

The Under Secretary of Defense for Personnel and Readiness also oversees the \$15 billion Defense Health Program, Defense Commissaries and Exchanges with \$16 billion in annual sales, the Defense Education Activity which supports over 100,000 students, and the Defense Equal Opportunity Management Institute, the nation's largest equal opportunity training program.



Dr. Chu began his service to the nation in 1968 when he was commissioned in the Army and became an instructor at the U.S. Army Logistics Management Center, Fort Lee VA. He later served a tour of duty in the Republic of Vietnam, working in the Office of the Comptroller, Headquarters, 1st Logistical Command. He obtained the rank of captain and completed his service with the Army in 1970.

Dr. Chu earlier served in government as the Director and then Assistant Secretary of Defense (Program Analysis and Evaluation) from May 1981 to January 1993. In that capacity, he advised the Secretary of Defense on the future size and structure of the armed forces, their equipment, and their preparation for crisis or conflict.

From 1978 to 1981, Dr. Chu served as the Assistant Director for National Security and International Affairs, Congressional Budget Office, providing advice to the Congress on the full range of national security and international economic issues.

Prior to rejoining the Department of Defense, Dr. Chu served in several senior executive positions with RAND, including Director of the Arroyo Center, the Army's federally funded research and development center for studies and analysis and Director of RAND's Washington Office.

Dr. Chu received a Bachelor of Arts Degree, magna cum laude, in Economics and Mathematics from Yale University in 1964 and a Doctorate in Economics, also from Yale, in 1972. He is a fellow of the National Academy of Public Administration and a recipient of its National Public Service Award. He holds the Department of Defense Medal for Distinguished Public service with silver palm.

Mr. Chairman and members of the Committee, thank you for this opportunity to testify on the Federal Voting Assistance Program in the Department of Defense.

In 1988, President Reagan issued Executive Order 12642 designating the Secretary of Defense as his agent to implement the provisions of the *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)* and to discharge the Federal functions required by the *Act*. As Under Secretary for Personnel and Readiness, I am responsible for administering the Federal Voting Assistance Program for the Secretary.

Background

The *Uniformed and Overseas Citizens Absentee Voting Act* safeguards the right to vote for federal offices by absent uniformed services members and their families, and overseas U. S. citizens. As mandated by the *Act*, the Federal Voting Assistance Program prescribes uniform absentee forms such as the Federal Post Card Application for registration and ballot request to facilitate these citizens' Constitutional right to vote. In 2005, the Federal Voting Assistance Program revised this form, as well as the Federal Write-In Absentee Ballot form, used by voters as an emergency ballot in cases where the state ballot does not arrive promptly. The changes make the forms easier to use by making them more understandable to the citizen while providing more needed information to election officials, such as the citizen's email address and his or her alternate mailing address. In its administration of this law, the Federal Voting Assistance

Program works cooperatively with state and local election officials to carry out its provisions.

The absentee voting process for *UOCAVA* citizens requires the successful completion of several steps. The citizen registers to vote and requests an absentee ballot from his or her local election official using the Federal Post Card Application. Upon receipt of the completed Federal Post Card Application, the local election official determines the citizen's legal voting residence based on the information provided. Approximately 45 to 30 days prior to the election, the local election official provides a state absentee ballot to the citizen. The citizen then votes the ballot and returns it to his or her local election official. These steps traditionally are accomplished by using the United States Postal Service, Military Postal Service Agency, and foreign postal systems.

Recent Statutory Direction

Title VII of the *Help America Vote Act of 2002* required the Secretary of Defense to prescribe regulations and procedures so that Voting Assistance Officers are provided time and resources necessary to perform their duties; implement measures to ensure a postmark or other official proof of mailing is placed on ballots collected by DoD overseas or vessels at sea; and develop a standard oath for *UOCAVA* voting materials. All of these provisions required by the title have been successfully implemented.

The *Act* required states to designate a single office responsible for *UOCAVA* citizen procedures; report to the Election Assistance Commission on the number of *UOCAVA* absentee ballots sent, received and cast; extend the effective period of the

Federal Post Card Application through the next two regularly scheduled general elections; inform *UOCAVA* voters if their registration or ballot applications were refused and the reason for the refusal; and accept a Federal Post Card Application submitted early in the calendar year. The Federal Voting Assistance Program issued a *Help America Vote Act* interpretative memorandum dealing with *UOCAVA* related issues and sent the memorandum to state and local election officials in August 2003. These changes to the law have led to improvements in the absentee voting process by removing unnecessary obstacles faced by *UOCAVA* voters.

Title V, Subtitle I of the *Defense Authorization Act for Fiscal Year 2005* expanded the use of the Federal Write-In Absentee Ballot to allow for its use by uniformed service members and their eligible family members within the United States; allowed all *UOCAVA* voters to submit their ballot request for use of the Federal Write-In Absentee Ballot either 30 days before the general election or the state deadline for registration and ballot request, whichever is later; and delayed the electronic voting demonstration project until electronic absentee voting guidelines and standards have been established by the Election Assistance Commission.

Progress in Working with State Governments

State legislatures are also moving forward to facilitate absentee voting. For many years, the Federal Voting Assistance Program has proposed legislative initiatives to state officials that would facilitate absentee voting for *UOCAVA* citizens. The current top legislative priorities are for states and territories to:

- Provide at least 45 days between the ballot mailing date and the date ballots are due.
- Give State Chief Election Officials the emergency authority to alter election procedures in certain circumstances (e.g., to extend the ballot return deadline, or to allow electronic transmission of blank or voted ballots)
- Allow election officials to provide a state write-in absentee ballot, to be sent out 90-180 days before all elections. This state write in ballot would allow the voter to cast votes for federal and state offices.
- Further expand the use of electronic transmission of voting materials.

Currently, 42 states and territories provide at least 45 days between the ballot mailing date and the date ballots are due; 16 states and territories give State Chief Election Officials the emergency authority to alter election procedures in certain circumstances; 27 states and territories allow election officials to provide a state write-in absentee ballot; and 50 states and territories provide for the electronic transmission of voting materials. Additionally, eighteen states and territories allow for the late counting of absentee ballots sent prior to the close of polls.

Educating

The Department devotes considerable resources to ensure that *UOCAVA* citizens are properly informed and educated about the process of absentee voting. Education includes formal training of Voting Assistance Officers, providing information to state and

local election officials, and ensuring that *UOCAVA* citizens have adequate and proper access to the necessary materials and the means to request and submit their absentee ballots.

Federal Voting Assistance Program staff members conduct voting assistance workshops to prepare for upcoming elections. These workshops give Voting Assistance Officers the hands-on training they need to understand their mission and to perform their duties. Since October 2005, Federal Voting Assistance Program staff members have conducted a total of 110 workshops worldwide to prepare for the 2006 mid-term elections. These workshops included:

- 8 workshops open to all Voting Assistance Officers conducted at the Federal Voting Assistance Program headquarters in Rosslyn, Virginia.
- 64 workshops conducted on-site at military installations around the world for Voting Assistance Officers.
- 38 workshops conducted at Department of State installations for State Department Voting Assistance Officers and for civilians of overseas citizen organizations who assist other overseas citizens with completing the absentee voting process.

For Voting Assistance Officers who are unable to attend an in-person workshop, two E-learning options are available to receive certified training. Voting Assistance Officers may request a CD-ROM containing the Federal Voting Assistance Program training from the Federal Voting Assistance Program or may complete an on-line E-learning session produced by the Federal Voting Assistance Program and hosted on the

Navy E-learning website. A slide presentation for use by Voting Assistance Officers in their outreach is available online.

In addition to the in-person and on-line training opportunities, the Federal Voting Assistance Program website provides Voting Assistance Officers with a wealth of information regarding their responsibilities. On the website there are separate sections for Voting Assistance Officer training and Voting Assistance Officer information. Additionally, another section provides specific information for local election officials.

Since the state and local election officials are the individuals who administer elections, they are our allies in facilitating absentee voting. It is important that they be kept abreast of the latest issues with *UOCAVA* voting. The Federal Voting Assistance Program regularly sends memoranda and letters to local election officials providing education and clarification of *UOCAVA* issues. In addition, during the past year Federal Voting Assistance Program staff has addressed officials at conferences of the national election official organizations:

- National Association of Secretaries of State
- National Association of State Election Directors
- International Association of Clerks, Recorders, Election Officials and Treasurers
- National Association of Election Officials (Election Center) Joint Election Official Liaison Committee

Federal Voting Assistance Program staff also traveled to address several state conferences of local election officials. This year, the Federal Voting Assistance Program attended and addressed local election officials at conferences in:

- Georgia
- Idaho
- Iowa
- New Mexico
- North Dakota
- Oregon
- West Virginia

When addressing these state and local election officials, the Federal Voting Assistance Program recommends practices and procedures to ensure maximum compliance with *UOCAVA*. These recommendations include:

- Differentiating between *UOCAVA* and other state absentee voters in state and local literature, in state laws and administrative codes, and on state and local election websites.
- Ensuring all employees in local election offices throughout the state are trained on the provisions of *UOCAVA*.
- Providing a website dedicated to *UOCAVA* citizens and elections in which *UOCAVA* citizens can participate.

- Preparing a state *UOCAVA* Voter Guide for publication on website and in hard copy.
- Providing sufficient ballot transit time.
- Providing simple ballot marking and return instructions with absentee ballots, including instructions to return the voted ballot by fax or email where authorized.

Informing and Equipping

The Department works hard to ensure that uniformed service voters are informed about upcoming elections and the procedures for registering and requesting an absentee ballot. Department communication efforts seek to gain maximum exposure for the voting program in a variety of communications media. Department and Federal Voting Assistance Program staff publicize absentee voting through commercial print and broadcast media outlets. Stories on absentee voting are run on the Pentagon Channel, Armed Forces Radio and Television, through the Armed Forces Information Service, as well as in print publications such as *Stars and Stripes*. Reminders about voting were printed on the leave and earnings statements of all service members and overseas DoD personnel. Email blasts about voting have been sent to 1.2 million service members.

Communicating is undertaken through extensive command support. Particular emphasis is placed on voting awareness to reach individual members of the unit. Messages regarding absentee voting are included on service websites, in the Plans of the Day, and at Commander's Call briefings. Billboards are posted on installations

informing members of their right to vote. Installations support Armed Forces Voters Week (September 3-9, 2006). Efforts extend to family members through displays, voter registration drives, and information at Morale, Welfare and Recreation Facilities, Family Service Centers, medical facilities, commissaries and exchanges, and DoD Dependent Schools.

The Federal Voting Assistance Program website (www.fvap.gov) is an asset to uniformed service members, voting age family members, and overseas citizens providing remote access to voting information directly on their computer. The site received 1,540,810 hits between January 1, 2006 and September 7, 2006. During that time period, the online version of the Federal Post Card Application was downloaded 42,689 times. The online version of the Federal Write-in Absentee Ballot was downloaded 5,504 times. The site is updated frequently with information pertinent to absentee voters.

The Federal Voting Assistance Program provides up-to-date information to Voting Assistance Officers. The Federal Voting Assistance Program publishes its *Voting Information News* newsletter monthly. The Federal Voting Assistance Program issues News Releases routinely to announce time sensitive information (e.g., changes in absentee procedures or the holding of special federal elections). Both the newsletter and the News Releases are distributed electronically via email, and posted on the Federal Voting Assistance Program website. The newsletter is also made available in a hardcopy format.

The Department provides voters and Voting Assistance Officers the tools, materials, and information necessary to facilitate registration, ballot request, and ballot

transmission. The Services distribute *Voting Assistance Guides*, Federal Post Card Applications and Federal Write-in Absentee Ballots to their Voting Assistance Officers and individual voters. From October 1, 2005-September 7, 2006, Federal Voting Assistance Program distributed 227,000 hard copies of the Federal Post Card Application and 91,000 hard copies of the Federal Write-In Absentee Ballot, and the services distributed additional copies of the forms through their normal supply chains. Both forms, of course, are also available through the Federal Voting Assistance Program website.

Facilitating Ballot Transmission

The Department takes extraordinary steps to ensure that members of the uniformed services, their family members, and overseas citizens have an opportunity to vote. Expediting ballots, particularly via mail, is a very important aspect of the absentee process.

The Department's effort to expedite delivery of ballots starts well before the election year. The Federal Voting Assistance Program, in conjunction with the U.S. Postal Service, redesigned the absentee ballot transmittal and return envelopes in 2005 to minimize the amount of processing time for absentee ballots moving through modern mail-handling equipment.

The Military Postal Service Agency ensures that its outlets have the capabilities to handle absentee ballots. All major military units in forward deployed roles have postmarking capabilities to ensure that ballots are postmarked. Weekly messages are sent

to military post offices reminding local workers of the proper procedures in handling ballots. Surveys of all military post offices are conducted biweekly in July and August, and weekly from September through November to ensure no ballots are delayed. Military Postal Service Agency publishes recommended mailing dates, based on location, to help ensure ballot receipt by state deadlines and that service members understand when their absentee ballots need to be returned to their local election officials.

In 2004 the U. S. Postal Service began handling ballots using Express Mail procedures while those ballots are within its system. I want to thank the U. S. Postal Service, particularly Mr. Paul Vogel, Senior Vice President of Global Business, for the outstanding support provided in expediting balloting materials so that our service men and women could exercise their franchise. The Military Postal Service also used special handling and expediting procedures while transporting ballots outside the U.S. to Army Post Office and Fleet Post Office addresses. The Federal Voting Assistance Program, in conjunction with the U. S. Postal Service, is again ensuring that military absentee ballots are expedited. Beginning September 18, absentee ballots from local election officials are handled as Express Mail to Army Post Office and Fleet Post Office mailing addresses to ensure that absentee ballots arrive promptly. Beginning October 1, the U. S. Postal Service will ensure that absentee ballots from Army Post Office and Fleet Post Office facilities are expedited back to the local election official. This expedited delivery includes special marking and handling of absentee ballots and, in the days leading up to the election, the use of Express Mail for inbound voted absentee ballots.

For those citizens who may not be able to vote because of their mobility or because of sporadic mail delivery to remote locations, the use of technology can provide alternative means for voters and local election officials to send and receive voting materials. In 1990, the Federal Voting Assistance Program initiated, with the cooperation of the states and territories, emergency use of electronic transmission (facsimile technology) and established the Electronic Transmission Service so that uniformed services members deployed during Operation Desert Shield were not disenfranchised. The Electronic Transmission Service allowed these voters deployed in the Persian Gulf to fax their registration request application and the local election official to fax the blank ballot to the voter. Now, faxing is widely accepted.

The Department aggressively promotes the continually expanding use of technology through electronic transmission alternatives. Fax and email options for registering to vote, requesting an absentee ballot, receiving the absentee ballot, and returning the voted absentee ballot greatly reduce the amount of time needed to complete the absentee voting process, and give *UOCAVA* voters additional alternatives when regular mail is slow or unreliable.

Currently, the Electronic Transmission Service exists as a toll-free option for voters to send their applications, receive their blank ballots and return voted ballots to local election officials. Voters have the capability of sending and receiving their absentee balloting materials through toll-free fax numbers in 51 countries. Uniformed service members and dependents also have access to a toll-free number through the Defense Switch Network. Currently:

- 32 states and territories allow *UOCAVA* voters to submit a Federal Post Card Application for registration by fax.
- 50 states and territories allow *UOCAVA* voters to submit a Federal Post Card Application for absentee ballot request via fax.
- 35 states and territories allow *UOCAVA* voters to receive the blank ballot via fax.
- 26 states and territories allow *UOCAVA* voters to return the voted ballot via fax.

Many states and territories have expanded their electronic transmission alternative capabilities to include email. The Federal Voting Assistance Program is aggressively urging states to consider using email as an integral part of the electronic alternatives made available to their citizens. Since many forward deployed soldiers have email capabilities but do not have access to fax capabilities, the institution of processes that allow for email ballot request, ballot delivery, and ballot return can be crucial. Currently:

- Twelve states and territories allow *UOCAVA* voters to submit a Federal Post Card Application for absentee ballot request via email.
 - Alaska
 - Illinois
 - Iowa (2006 Election)
 - Montana

- Minnesota (Restricted)
- Mississippi (for active duty overseas)
- North Dakota
- Oregon
- Puerto Rico
- South Dakota
- Washington
- Wisconsin
- Six states and territories allow *UOCAVA* voters to submit a Federal Post Card Application for registration via email.
 - Alaska
 - Oregon
 - Montana
 - Mississippi (for active duty overseas)
 - South Dakota
 - Washington
- Twelve states allow *UOCAVA* voters to receive the blank ballot via email.
 - Alaska
 - Florida
 - Illinois
 - Iowa (2006 election)
 - Montana

- Mississippi (for active duty overseas)
- North Dakota
- Oregon
- South Carolina
- Virginia
- Washington
- Wisconsin
- Eight states allow *UOCAVA* voters to return the voted ballot via email.
 - Alaska
 - Iowa (2006 election)
 - Mississippi (for active duty overseas)
 - Missouri (2006 election)
 - Montana
 - North Dakota
 - South Carolina
 - Washington

The Department also encourages states and territories to make available to citizens online tools that allow voters to check their registration status. Since 2005, the Federal Voting Assistance Program has encouraged states and territories to launch these sites and promoted the use of such sites to allow voters the opportunity to promptly know if their absentee ballot has been dispatched and provide them with the opportunity to take

corrective measures if necessary. To date, ballot registration status sites have been launched in eighteen states and territories:

- **Delaware**, pollingplace.delaware.gov/
- **District of Columbia**, www.dcooe.org/voterreg/vic_step1.asp
- **Georgia**, www.sos.state.ga.us/cgi-bin/Locator.asp
- **Indiana**, www.indianavoters.com/PublicSite/Public/PublicVoterRegistration.aspx?AspxAutoDetectCookieSupport=1
- **Kansas**, <https://myvoteinfo.voteks.org/>
- **Kentucky**, cdc.ky.gov/VICWeb/index.jsp
- **Louisiana**, sos.louisiana.gov/polllocator/
- **Maryland**. mdelections.umbc.edu
- **Michigan**, michigan.gov/sos/0,1607,7-127-1633-49313--,00.html
- **Nebraska**, <https://www.votercheck.necvr.ne.gov/>
- **North Carolina**, www.sboe.state.nc.us/
- **Ohio**, www.sos.state.oh.us/sosapps/elections/voterquery.aspx
- **Puerto Rico**. www.ceeput.org/serviciosLineas/estatusEelectoral/index.htm
- **South Carolina**, <https://webprod.cio.sc.gov/SCSECVoterWeb/voterInformationSearch.do>
- **Utah**, gva1.utah.gov/elections/polling.aspx
- **Virginia**, www.sbe.state.va.us/VotReg/VR_Confirmation/Default.html

- **Washington**, www.secstate.wa.gov/elections/lookup.aspx/
- **West Virginia**, www.wvvotes.com/voters/am-i-registered.php

In 2004, the Department administered the Interim Voting Assistance System (IVAS). IVAS was a voluntary project implemented in September 2004 to allow eligible absentee voters (active duty military, activated Guard and reserve personnel, their dependents, DoD overseas federal agency personnel in Central Command and DoD contactors overseas) to request their absentee ballots via the internet. In order to take advantage of IVAS, voters must have already been in the Defense Enrollment Eligibility Reporting System, be a *UOCAVA* voter, and must have been from a state and county that had volunteered to participate.

Using IVAS, the voter could request a ballot over the internet. After the local election official approved the request, IVAS notified the voter via email that the ballot was available to download. The voter then could download and print the ballot, mark it by hand, and return it by mail to the local election official.

One hundred eight counties in nine states agreed to participate in IVAS 2004. At the end of the election, 28 of those counties had actually received and processed ballot requests, and uploaded ballots for UOCAVA voters to pick up. Voters downloaded 17 ballots.

The Department, as mandated by the Congress in PL 109-234, Section 1212, is continuing the IVAS effort from 2004. For 2006, IVAS was renamed and launched as the Integrated Voting Alternative Site, which provides a feature on the Federal Voting

Assistance Program website consolidating information from the 55 states and territories on electronic ballot request and delivery alternatives with the goal of communicating these alternatives to *UOCAVA* voters.

Additional features of IVAS 2006 are online ballot request and delivery tools being offered for use by states and territories through the Department. The Federal Voting Assistance Program has communicated with all states and territories regarding the options that are available to them regarding this project. States may choose the tool best suited to the needs of their *UOCAVA* voters and their state laws and administrative procedures. The tools are available for use by uniformed service members, family members, and overseas employees and contractors.

Tool # 1 is an online ballot request system developed by the Defense Manpower Data Center which allows registered voters to submit a Federal Post Card Application ballot request to their local election official via email. That option is being utilized by seven states and territories:

- Arkansas
- Illinois
- North Carolina
- Puerto Rico
- Vermont
- Virgin Islands
- Washington

Tool # 2 is an online ballot request and delivery system, developed through the Department's Business Transformation Agency and contractor Post-X which allows registered voters to submit a Federal Post Card Application ballot request to their local election official and receive the blank ballot via a secure server. Indiana, Kentucky and Montana have agreed to utilize this option.

Results

After each presidential election, the Federal Voting Assistance Program conducts a statistically-based, random sample survey of *UOCAVA* citizens to gather information about their participation in the absentee voting process. For the 2004 general election, among uniformed services members (stateside and overseas) 73% voted, and an additional 6% attempted to vote (as compared to 57% and 12%, respectively in 2000). Among federal civilian employees overseas, 77% voted and an additional 3% attempted to vote (versus 55% and 10%, respectively in 2000). Among non-federal civilians overseas, 53% voted and an additional 5% attempted to vote (compared to 22% and 15%, respectively in 2000).

In contrast, the Election Assistance Commission reports that 60.4% of the general public voted in 2004 (51% voted in 2000 according to the Federal Election Commission).

The participation results for uniformed services members and U.S. civilians overseas reflect the concerted efforts to improve the absentee voting process. Particularly noteworthy in 2004 we reduced by one half to two-thirds the fraction that unsuccessfully

attempted to vote in each community (uniformed personnel, federal civilians, and overseas citizens).

Looking Forward

Over the last two years, the Department has continued to build on the successes of the 2004 Presidential Election. While mid-term election voting participation rates for Uniformed Service members and overseas voters are lower than in presidential election years, as with the participation rates for the general voting age population, efforts of the Department, the U.S. Postal Service, the Department of Justice, the Department of State, other federal agencies, and state and local governments are giving more voters a greater opportunity to participate in this 2006 election. Through our collective efforts to promote and implement expanded electronic transmission alternatives, voters will continue to reap the benefits of these expanded options in this and future elections.

The Department appreciates the support of the Congress for its initiatives. These initiatives brought focus to the 2004 election cycle, with significant improvement in military voting participation. We aim for similar improvement in this year's cycle—taking into account the realities of mid-term elections. And the procedures we try this year provide a firm foundation for 2008—perhaps even opening the door on the next challenges; facilitating registration and strengthening participation in primary elections.