



Overseas Voting – Challenges and Innovation

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Casting ballots from abroad or while serving in the military presents challenges to the best-prepared citizen. Ballots must be requested, delivered by domestic and international mail services, filled out and returned, relying once again on a successful journey back to an election office.

Not surprisingly, thousands of ballots never make it, at times disenfranchising those who are in harm's way.

The early primary season on tap for 2008 – which will begin as soon as New Hampshire's election officials pick a date – will present additional challenges. Outgoing ballots will mix with holiday mail. Shortened timetables and last-minute decisions on primary dates will make the process more difficult in some states.

In this, the 21st *electionline.org Briefing*, the process of overseas and military voting is examined, from the federal laws that govern the process to the innovations underway to streamline it to the difficulties anticipated in the 2008 primary season.

Federal Oversight

Federal law simplifies absentee voting for citizens in the military and abroad by allowing the use of a standard write-in absentee ballot. But complex state-by-state registration rules and deadlines for the 2008 presidential primaries could cause problems for overseas voters.

The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) requires states to allow absent uniformed service members and overseas citizens to participate in absentee voting processes for general, primary, runoff and special elections to federal office. It also allows the use of a federal write-in absentee ballot in general elections for uniformed service and overseas voters who do not receive their absentee ballot in time to cast and return it. The law also applies to spouses and dependents of uniformed service members.¹ The U.S. Government Accountability Office (GAO) estimates six million voters are covered by UOCAVA.²

For UOCAVA voters, determining how to participate in an election requires navigating a complicated process including registering to vote, then requesting, receiving and returning a ballot, the rules and deadlines for which vary radically from state to state, and in Florida, Illinois and New Jersey, from county to county³. For example, out of the 20 states that will hold primaries on Feb. 5, 2008, dubbed "Super Duper Tuesday":

- Georgia and Tennessee have the earliest deadlines for voter registration on January 7 while Arizona allows voters to register with the federal post-card application up until election day. Minnesota also allows election-day registration while New Mexico waives its voter registration deadline of January 4 for overseas and military voters.⁴

- Absentee voters in Utah must request their ballots by January 16 while Connecticut's ballot request deadline is February 4, the day before their primary.⁵
- Most states require that voters return completed absentee ballots by election day. However, Illinois will accept ballots received by February 19 if they were postmarked by February 4. Similarly, Utah and New York will accept absentee ballots received by February 12 if they are postmarked by February 4. Georgia will accept ballots received by February 8 if they were postmarked by February 5 and ballots must be received by January 28 to be counted for New Mexico's February 5 Democratic caucus.⁶

Finding good information on how to vote from abroad can be an uphill battle. A draft report from GAO found that 18 states or territories had misleading or conflicting information about voting for overseas and military voters.⁷

High Failure Rate

Large numbers of ballots requested by citizens overseas are never cast and/or counted. Early primaries could make the situation worse.

Because of the confusing rules, as many as half of UOCAVA voters attempting to cast ballots fail, the Overseas Vote Foundation (OVF) and the National Defense Committee estimate.⁸ The U.S. Election Assistance Commission (EAC) released data in September showing that less than 48 percent of votes cast by overseas military voters were counted during the 2006 midterm elections, with similar numbers for overseas civilian and domestic military voters.⁹

"The single biggest motivator for a vote is that people think their vote will count. That's why this report is such a blow," Susan Dzieduszycka-Suinat, OVF's president said in response to the report, which also showed that less than a third of the ballots requested by UOCAVA voters were cast or counted.¹⁰

Experts and election officials agree – early primaries will make the situation more difficult.

"It makes it nearly impossible for service members and people overseas to vote," Sam Wright, Military Voting Rights Project director, was quoted as saying.¹¹

Sterling Ivey, spokesman for Florida Secretary of State Kurt Browning (R), said that ballots will be mailed to overseas voters in December, competing with holiday mail.¹²

Scott Silliman, a Duke University professor who follows military voting issues concurred. "The earlier you move up the primary, the greater the risk they won't get the ballots."¹³

Furthermore, it appears that an increasing number of ballots are being cast by UOCAVA voters.

A May survey by the Overseas Vote Foundation found that turnout increased in half of jurisdictions that responded between 2002 and 2006. The survey cited the growing number of Americans covered by UOCAVA, heightened interest in politics and increased overseas voter mobilization efforts from partisan and nonpartisan organizations utilizing new technology as contributing factors and suggested that even more votes will come from overseas in 2008.¹⁴

With increasingly close elections, overseas and military votes can be the difference between winning and losing races – even those for the nation's highest office. Florida officials disqualified more than 1,500 military votes in 2000 while President George W. Bush won the state by 537 votes.¹⁵

In a July 2007 runoff election in Georgia, former state Sen. Jim Whitehead (R) delayed his concession to now-Rep. Paul Broun (R) in the race to replace the late Rep. Charlie Norwood (R) until the 276 ballots sent to overseas and military voters in the district were returned and counted.¹⁶

The treatment of UOCAVA voters is also emerging as a contentious campaign issue. When running for Arkansas secretary of state, Republican Jim Lagrone charged that the incumbent, Democrat Charlie Daniels failed to ensure that military votes are counted and called him "AWOL" when it came to the military vote. Lagrone's son Matt served in Iraq in 2004 and sent an absentee ballot to the Saline County

clerk's office but his ballot was never counted. Daniels, himself a veteran after service in the U.S. Air Force, disputed the charges.¹⁷

The lack of quality data means that it is nearly impossible to calculate how many votes are being lost and how many overseas voters are being disenfranchised each federal election. While the Help America Vote Act requires states to keep detailed statistics on UOCAVA turnout, many states and jurisdictions failed to report figures to the EAC, leading the commission to state that "it is impossible to calculate accurate turnout figures."¹⁸

Only 54 percent of 3,123 jurisdictions reported to the EAC how many domestic military absentee ballots were cast or counted and 62 percent reported numbers on overseas military ballots.¹⁹

Several states provided little data to the EAC. Three states – Alabama, Connecticut and New Hampshire – provided no data.²⁰ Ed Packard, Alabama's voter registration supervisor, said that the official responsible in a previous administration "basically didn't collect that information, or did limited amounts of it." He said that the state is working to correct the problem.²¹

The EAC acknowledged that the survey's design itself may have been a factor in the low response rate, noting that many states found it to be "extremely difficult and time-consuming."²²

The U.S. Department of Defense (DOD) is responsible for implementing UOCAVA and has spent more than \$30 million over the last six years attempting to streamline the process, at least for military voters.²³

However, the Web-based system DOD developed has been criticized as inaccessible to civilians, confusing, insecure and slow,²⁴ and as of December 2006 less than 20 local election officials nationally wanted to use it for the 2008 elections.²⁵ The GAO also found that while the EAC is responsible for developing the guidelines for online absentee voting, the agency is so far behind schedule that the DOD will not have time to implement any recommended changes for the 2008 presidential election. DOD officials estimate that depending on the guidelines from the EAC, developing a system would take 24 to 60 months.²⁶ The system developed for 2006 cost \$830,000 and was only used by 63 voters.²⁷

"Do the math ... that's more than \$13,000 per vote," said Rep. Carolyn Maloney, D-N.Y. of the program. "We could have flown their ballots back and forth first class for less money."²⁸

Innovations in Overseas Voting

Election officials across the country are trying new approaches to the challenges facing UOCAVA voters, including piloting new technology, adopting instant-runoff voting, allowing online registration and electronic transmission of election materials, or simply being more flexible regarding overseas voters.

Pilots. Projects underway in some states and localities will aim to make overseas and military voting easier. Pat Hollarn, elections supervisor in Okaloosa County, Fla., is developing a system where overseas voters can cast ballots at secure kiosks abroad. Project BRAVO – Bring Remote Access to Voters Overseas – will have kiosks for the 2008 general election in England, Germany and Japan. Hollarn said that voting at kiosks ensures that the votes are secure while the scale of the project can be adjusted to include more states.²⁹

In April, Texas Gov. Rick Perry (R) signed a bill authorizing a pilot project to allow overseas military personnel to vote by e-mail. Members of the armed forces who register with a Federal Post Card Application, are eligible for early voting and those who provide an e-mail address ending in *.mil* are eligible to receive balloting materials including a signature sheet. After the 2008 election, the secretary of state will file a report with the legislature that could include recommendations on how to expand the program to all overseas voters.³⁰

Alabama Secretary of State Beth Chapman (R) told reporters that she would like to see an electronic voting pilot project in place in her state for overseas military voters in 2008.³¹

Instant-Runoff Voting. One barrier to UOCAVA voter participation is the short turnaround time between a primary election and a runoff, making traditional mail-based absentee voting in both races all but impossible.³² The U.S. Department of Justice (DOJ) sued Alabama in 2006 to ensure that there was enough time between the primary and runoff elections for overseas military voters to participate, which led to the runoff's postponement to July from June.³³

Instant-runoff voting (IRV) whereby an absentee voter receives two ballots, a traditional ballot for the first election and a ranked choice ballot that contains all the candidates from the first ballot for a potential runoff, is one solution being explored. The voter casts both ballots, the latter which is then used in the event of a second election.

In the event of a runoff, the candidate who advanced and received the highest ranking on the second ballot receives the vote. According to FairVote, these ballots are UOCAVA compliant and have received pre-clearance from the Justice Department. UOCAVA voters from Arkansas, Louisiana and South Carolina use IRV ballots.³⁴ Legislation to do the same is pending in Illinois.³⁵

Using instant-runoff absentee ballots “protects overseas citizens’ right to vote in a runoff when the absentee ballot turnaround time is often tight,” Charlie Daniels, Arkansas Secretary of State said in a statement.³⁶

Electronic transmission. Several states allow for the electronic transmission by fax or e-mail of important materials including voter registration forms and ballot requests. Bruce Cain, a Berkeley professor and principal of Q2 Data and Research, which developed a case study for the EAC on the use of electronic transmission for UOCAVA voting, said voters are enthusiastic about using new technology to improve the efficiency of absentee voting.

“The numbers of [voters using electronic transmission] are still small, but the satisfaction level with them is very high,” he said.³⁷

According to press reports, only 8 percent of voters interviewed for the case study used fax or e-mail to send voter registrations or ballot requests, 4 percent received their ballots by fax or e-mail and 3 percent used fax or e-mail to return their completed ballots. However, 77 percent of them reported satisfaction with the experience and 95 percent said they would use that method again.³⁸

In California, Gov. Arnold Schwarzenegger (R) signed A.B. 223 in October. The bill will allow military service members deployed after the deadline for absentee ballot requests to cast absentee ballots by fax.³⁹

A.B. 517 was signed by Nevada Gov. Jim Gibbons (R), allowing absent voters to cast their ballots by fax.⁴⁰ A similar bill, A. 1746, is pending in New Jersey.⁴¹

S.B. 606 passed in West Virginia and allows absentee voters to cast ballots by e-mail and permits UOCAVA voters to receive and return ballots by fax.⁴²

Online registration. Arizona currently offers online voter registration for those who have an Arizona driver’s license or non-operating identification card issued by the Motor Vehicle Division on or after Oct. 1, 1996. According to Arizona’s Absentee Voting Guide for Uniformed Services and U.S. Citizens Overseas, the license number voters include on the form serves as proof of citizenship.⁴³ In February, Arizona Secretary of State Jan Brewer (R) said that 53 percent of Arizona voter registrations took place online in 2006.⁴⁴

In January 2008, Washington will join Arizona in allowing online voter registration and a person who has a valid Washington driver’s license or state identification card will be able to register to vote online.⁴⁵ Registered voters can also use the website to change their mailing address.

Flexibility. The majority of states make some accommodation for overseas and military voting, including allowing the faxed transmission of registration forms and/or the faxed return of ballots. Some states, including Texas and Utah, require a follow-up of a mailed-in form.⁴⁶

Nationally, 35 states allow voters to receive a ballot via fax, though with some restrictions. In Alaska, for example, a separate application for a fax ballot must be used for each election, and voters are asked not to use the fax option unless they lack sufficient time to complete the voting process by mail. The District of Columbia requires those requesting ballots by fax to offer a reason why they cannot use traditional mail, and Idaho allows the use of faxed ballots only in “emergency situations.” Only two jurisdictions in Illinois allow fax balloting, but they represent the most populous in the state – Chicago and suburban Cook County.⁴⁷

Twenty-three states also allow ballots to be returned by fax. However, by faxing, voters are often sacrificing the right to cast a secret ballot. Some states, including Hawaii, require that voters sign and fax a document with the ballot indicating that they are aware that their right to secrecy has been waived.⁴⁸

E-mail Voting

Voting over the Internet raises a number of security and privacy concerns even as it promises to overcome the logistical obstacles of traditional mail-in balloting.

While faxing registration forms and ballot requests as well as receiving and returning ballots by fax is fairly commonplace, using the Internet as a tool to simplify UOCAVA voting has been employed far more cautiously.

Some UOCAVA voters have privacy and security concerns in the face of the new electronic opportunities. Jason Weirather, a National Guard member stationed in Iraq, told the *Daily Iowan* that he appreciates the convenience of e-mail voting but said he is skeptical.

E-mail “doesn’t provide encryption or authentication security,” he said, wondering “what’s stopping some nefarious person from reading my ballot or worse, changing my vote.”⁴⁹

Others compare voting to online banking and argue that the security procedures used in the latter should be used to protect the former.

“At a minimum, we need a means to transmit the unmarked ballot to service members and that method needs to be user friendly, secure and private,” Bob Carey, of the National Defense Committee said in a *The New York Times* article. “Right now the Pentagon’s system does not do that.”⁵⁰

EAC Chair Donetta Davidson said unlike many secure transactions that take place online, such as banking and filing taxes, voting should take place anonymously.⁵¹

In a DOD focus group in September, more than three out of four service members said that they would vote over the Internet if they thought it was secure.⁵²

Hollarn said that voters should worry less about security concerns and more about ensuring that their local election officials have their current address.⁵³

“Once doctors look at [patients’ bodies] long enough they say, who cares?” Hollarn said. “We’re the same way. We see ballots here often enough that we don’t care. We’re not interested in how people voted. We just want to be sure that they are allowed to vote and that their vote is counted.”⁵⁴

But concerns aren’t limited to privacy issues. A Defense Department program – the Secure Electronic Registration and Voting Experiment (SERVE) – that would have allowed up to 100,000 voters in 50 counties to use an Internet-based voting system to cast ballots in the 2004 presidential election was cancelled after a panel of computer scientists said it could be prone to tampering.⁵⁵

The report, authored by four prominent computer scientists from academia and the private sector, stated “because the danger of successful large-scale attacks is so great, we reluctantly recommend shutting down the development of SERVE and not attempting anything like it in the future until both the Internet and the world’s home computer infrastructure have been fundamentally redesigned, or some other unforeseen security breakthroughs appear.”⁵⁶

While the program was never launched officially, an interim program was re-launched in 2006. The Integrated Voting Alternative Site (IVAS) allowed voters to transmit ballots electronically.⁵⁷

From its launch just before the 2006 mid-term election until the eve of election day, IVAS’ online ballot request system developed by DOD’s Defense Manpower Data Center received almost 35,000 hits. Since the system allows voters to send ballot requests from their personal e-mail addresses directly to local election officials, there is no way to know how many absentee ballot requests were submitted using the system. However, by November 7, 2006 the automated federal post-card application had been accessed 1,351 times.⁵⁸

According to the Federal Voting Assistance Program (FVAP), a division of DOD that assists military and overseas U.S. voters, seven states transmit ballots to voters by e-mail and seven allow them to be

returned in the same manner. Colorado, Indiana, Mississippi, Montana, North Dakota and South Carolina also allow the transmission of ballots under certain circumstances.⁵⁹

In North Dakota, a hard copy of the ballot is to be submitted by mail after sending it by fax. In Missouri, a special declaration must be made by the secretary of state in advance of the election. Indiana voters overseas must include a scanned copy of their signature on a waiver of ballot secrecy.⁶⁰

Efforts to Improve the Process

The federal government and others have a host of recommendations for states regarding voting by service members and citizens overseas, including improved cooperation, data tracking and use of technology.

FVAP began its Legislative Initiatives program more than 20 years ago with a list of 11 steps states could take to make voting easier for those covered by UOCAVA. Two of the 11 initiatives – specifically, to accept one federal application as an absentee ballot request for all elections in the calendar year and remove so-called “no earlier than” restrictions that prohibit registrations and ballot requests from being sent earlier than a state deadline – were made mandatory with the National Defense Authorization Act and Help America Vote Act respectively in 2002.⁶¹

Most states have not agreed to any of the other nine initiatives, which include removing notarization requirements and enfranchising U.S. citizens who have never lived in the country or territories. Iowa has adopted all nine initiatives while Vermont has adopted only one.⁶²

The EAC recommended several changes for states, including better data tracking, better cooperation with federal agencies and the use of new technologies. For their part, the EAC said it needed to work on state and local election office education, providing the UOCAVA survey to jurisdictions early so that they know what data to collect and improving the tools they give states for data collection.⁶³

Kimball Brace, Election Data Services president recommended that EAC send its survey to states nine to 12 months before an election.⁶⁴

The EAC also identified voter education as an area in need of improvement.⁶⁵

Surveys have found that ignorance of rules and deadlines played a major part in preventing voters from successfully casting ballots. The OVF found that more than a third of unsuccessful UOCAVA voters would have used the federal write-in absentee ballot had they known about it.⁶⁶

Twenty percent of voters who said they did not register or request a ballot said that they thought they were still registered while another 20 percent said that they had missed the deadline.⁶⁷ Less than one in five military service members knew about DOD websites for voters, the Pentagon reported in March 2006.⁶⁸

“The voters don’t know that they have these possibilities of electronic transmission oftentimes,” Karin McDonald from Q2 Data and Research said.⁶⁹

Howard Scholl, elections department deputy administrative director for New Castle County, Delaware appealed for leadership from local election officials and said that his office has a “same day in, same day out” policy with ballot requests.⁷⁰

“One thing is clear to all of us – at every level of government, we need to do a better job,” said EAC Chair Davidson. “Serving the voters to the best of our ability is the goal.”⁷¹

State Registration and Absentee Deadlines -- 2008 Presidential Primaries

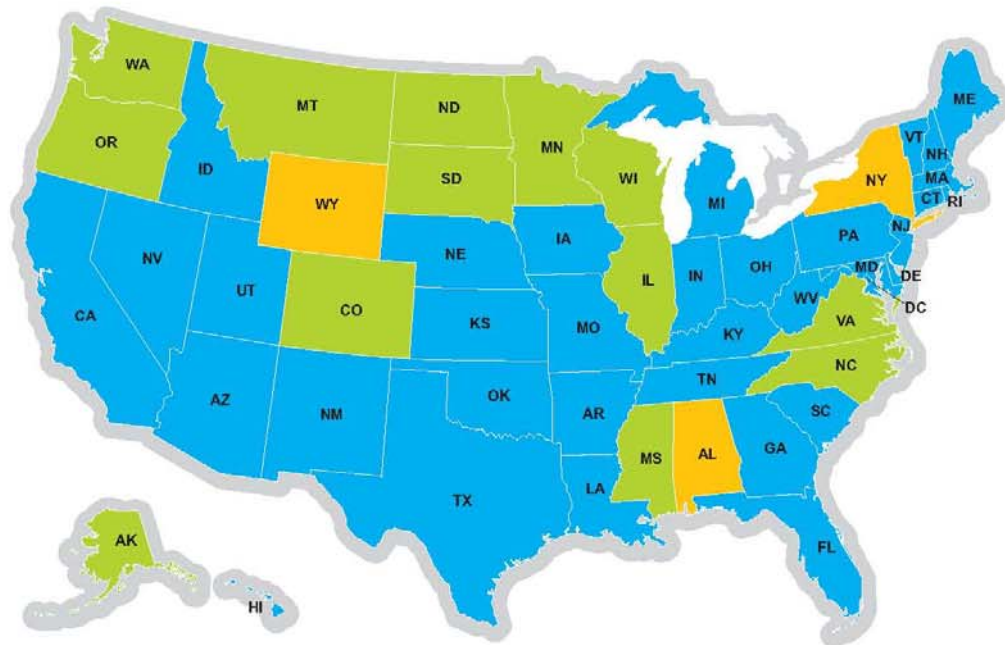
State	Date(s)*	Registration Deadline**	Ballot Request Deadline**	Ballot Return Deadline**
Alabama	February 5	January 25	January 31	February 5 (Noon)
Alaska	February 5	NA - Caucus	NA - Caucus	NA - Caucus
Arizona	February 5	February 5 (FPCA)/January 7 (Other)	February 5	February 5
Arkansas	February 5	January 29/Waived with FPCA	January 29	February 5
California	February 5	January 22	January 29	February 5
Colorado	February 5	NA - Caucus	NA - Caucus	NA - Caucus
Connecticut	February 5	February 4	February 4	February 5
Delaware	February 5	January 21	February 1	February 5
District of Columbia	February 12	January 14	February 5	February 22
Florida	January 29	December 31	January 23	January 29/February 8 (from overseas)
Georgia	February 5	January 7	February 1	February 8 (postmarked by February 5)
Hawaii	February 19 (D)	NA - Caucus	NA - Caucus	NA - Caucus
Idaho	February 5 (D)/May 27 (R)	NA - Caucus (D)/May 2 (R)	NA - Caucus (D)/May 21 (R)	NA - Caucus (D)/May 27 (R)
Illinois	February 5	January 5/Waived for Military	January 25	February 19 (postmarked by February 4)
Indiana	May 6	April 7	April 28	May 6
Iowa	January 3 (R)/January 14 (D)	NA - Caucus	NA - Caucus	NA - Caucus
Kansas	February 5 (D)	NA - Caucus	NA - Caucus	NA - Caucus
Kentucky	May 20	April 21	May 13	May 20
Louisiana	February 9	January 9	February 8	February 9
Maine	February 1 (R)/February 10(D)	NA - Caucus	NA - Caucus	NA - Caucus
Maryland	February 12	January 22	February 5	February 22
Massachusetts	March 4	February 13/Waived for Military & Overseas	March 3 (Noon)	March 4 (8:00PM)
Michigan	January 15	January 15	January 12 (2:00PM)	January 15 (8:00PM)
Minnesota	February 5	February 5	January 4 Recommended	January 4 Recommended
Mississippi	March 11	February 10/February 26 for Overseas Military	February 10/February 26 for Overseas Military	March 10/March 11 for Overseas Military
Missouri	February 5	January 9/Not required for Military or Overseas	January 30	February 5
Montana	June 3	May 8	June 2	June 3
Nebraska	May 13	April 28	May 7	May 13
Nevada	January 19	NA - Caucus	NA - Caucus	NA - Caucus
New Hampshire	TBD	TBD/Waived for Military	Day before Election Day	By 5:00PM on Election Day
New Jersey	February 5	February 1	February 1	February 5
New Mexico***	February 5 (D)/June 3 (R)	January 4 Recommended/Waived for Overseas & Military	January 21 (D)/May 30 (R)	January 28 (D)/June 3 (R)
New York	February 5	January 16(postmarked by January 11)	January 29	February 12 (postmarked by February 4)
North Carolina	May 6	May 5	May 5	May 5
North Dakota	February 5	NA - Caucus	NA - Caucus	NA - Caucus
Ohio	March 4	February 4	March 1	March 24
Oklahoma	February 5	January 11/Waived for Military & Overseas	January 30	February 5
Oregon	May 20	April 29	May 15	May 20
Pennsylvania	April 22	March 24/Waived for Military	April 22	April 29
Rhode Island	March 4	February 2/Waived for Military & Overseas	February 12	March 4
South Carolina	January 19 (R)/January 29 (D)	December 19 (R)/December 29 (D)	January 15 (R)/January 25 (D)	January 19 (R)/January 29 (D)
South Dakota	June 3	May 19	June 3	June 3
Tennessee	February 5	January 7	January 29	February 5
Texas	March 4	February 4/February 26 for FPCAs (temporary registration)	February 26	March 4/March 10 from Overseas
Utah	February 5	January 16	January 16	February 12 (postmarked by February 4)
Vermont	March 4	February 25	March 3	March 4
Virginia	February 12	January 14	February 5	February 12
Washington	February 19	February 19	February 19	March 5 (oath dated February 19 or prior)
West Virginia	May 13	April 22	May 7	May 16 (prior to beginning of canvass)
Wisconsin	February 19	January 30/Waived for Military	February 14 (Overseas Non-Military)/February 15(Military)	February 19
Wyoming	January 5 (R)/March 8 (D)	NA - Caucus	NA - Caucus	NA - Caucus

* Primary/Caucus dates from National Association of Secretaries of State (<http://nass.org>)

** Dates from Federal Voting Assistance Program (<http://fvap.gov/pubs/vag.html>), unless otherwise noted

*** New Mexico allows UOCAVA absentee voters to participate in caucuses

Electronic Ballot Requests



- **Ballot requests submitted via fax**

Voters in 34 states and District of Columbia must submit the ballot request by mail after faxing.

Connecticut: Overseas civilians must also mail the original ballot request to the local town clerk either separately or with the voted ballot so that it arrives before the close of polls on election day, in order for the ballot to be counted.

Missouri: Allowable in certain counties only.

Nevada: Only for voters outside the continental U.S. who are already registered to vote. The request must be received before the seventh day before the election.

Ohio: Allowable for military voters only.

Pennsylvania: The original ballot request must be received prior to the election by the county election office in order for the ballot to count.

Rhode Island: The ballot request must be received no later than 4 p.m. 21 days before the election.

Utah: Allowable only when the voter is in a hostile fire zone or other area where the mail service is unreliable and not sufficient to accommodate timely mail service.

- **Ballot requests submitted via e-mail and fax**

Colorado: Allowable only for uniformed service members stationed overseas.

Illinois: Allowable only for members of armed services who are residents of Chicago and suburban Cook County. The signed original ballot request must be received by election day or by the 14th day following the election if postmarked by the day before election day.

Minnesota: Ballot requests can only be e-mailed from an e-mail address that ends in .mil or state.gov.

Mississippi: E-mail allowable only for active duty overseas citizens.

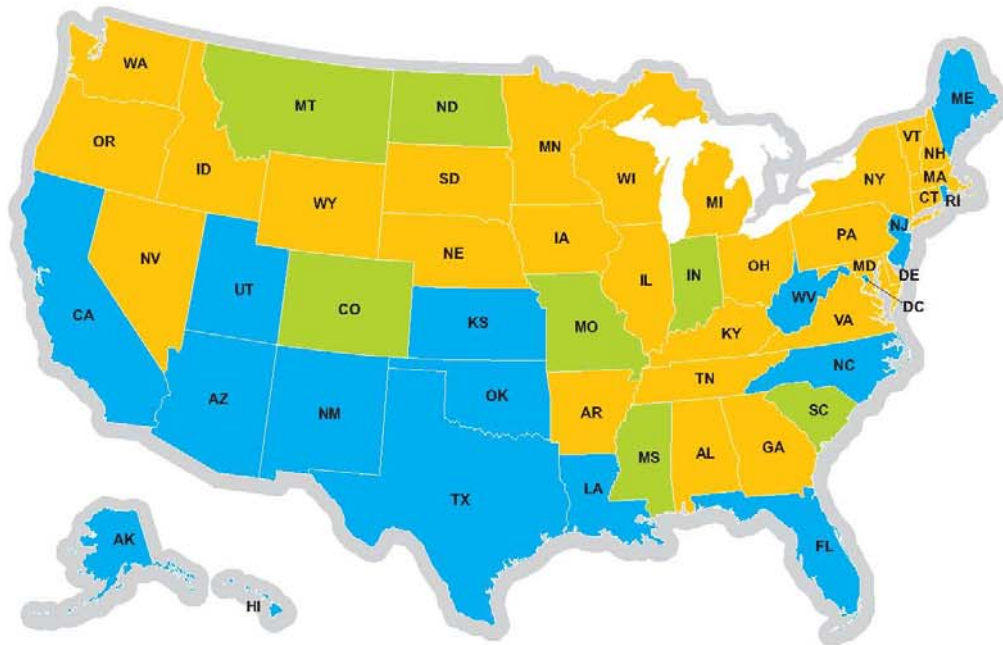
Oregon: The signed original ballot request must arrive by the Thursday before the election.

Virginia: Submit the ballot request by mail after e-mailing or faxing.

Wisconsin: The ballot request must be postmarked or mailed on the same day it is faxed or e-mailed.

- **No electronic ballot requests**

Electronic Ballot Return



- **Ballots return via fax**

DC: Civilian voters must include a statement indicating that they waive the right to a secret ballot. Military voters may vote by fax if military service prevents them from doing it by mail within 45 days.

Hawaii: Allowable only if the ballot was requested by fax. The voter must submit a waiver of secrecy of vote with the transmitted ballot. The waiver and ballot must be received by the issuing clerk no later than 6 p.m. on election day.

Maine: Allowable only in certain emergency situations.

New Jersey: Ballot must be received no later than 8 p.m. on election day. The voter must also submit the original ballot by airmail together with certification.

Oklahoma: Allowable only if the absentee ballot is received in the mail 30 days prior to the election day.

Texas: Allowable for military voters and dependents from area in which members are eligible to receive hostile fire pay or imminent danger pay, or designated as a combat zone.

Utah: Allowable if the voter agrees to waive the right to a secret ballot and affirms in writing that the voter is deployed in a hostile fire zone or other area where the mail service is unreliable and not sufficient to accommodate timely delivery.

- **Ballots return via fax or e-mail**

Colorado: Uniformed service members stationed overseas are allowed to use e-mail to return ballots in circumstances where a mail ballot or fax ballot is not feasible.

Indiana: Allowable under a program authorized and administered by the Federal Voting Assistance Program. The message must include a scanned copy of the voter's signature on a waiver of ballot secrecy.

Mississippi: Allowable for active duty overseas citizens only.

Missouri: Allowable if a special declaration is made by the secretary of state in advance of the election.

Montana: Allowable for residents of some counties.

North Dakota: Ballot must be submitted by mail after faxing or e-mailing.

- **No electronic ballot return**

ENDNOTES

- ¹ Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Law, U.S.C. § 1973ff *et seq.*
- ² "Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens," *U.S. Government Accountability Office*, June 2007.
- ³ "DOD Expands Voting Assistance to Military Absentee Voters, but Challenges Remain," U.S. Government Accountability Office, Sept. 28, 2006.
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- ⁵ *Ibid.*
- ⁶ *Ibid.*
- ⁷ Urbina, Ian. "Casting Ballot From Abroad Is No Sure Bet," *The New York Times*, June 13, 2007.
- ⁸ *Ibid.*
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- ¹⁰ Knowlton, Brian. "Data on overseas absentee ballots raise questions," *International Herald Tribune*, Sept. 26, 2007.
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- ¹² *Ibid.*
- ¹³ *Ibid.*
- ¹⁴ Dzieduszycka-Suinat, Susan and Thad Hall. "2006 Post Midterm Local Election Official Survey Report," *Overseas Vote Foundation*, May 8, 2007.
- ¹⁵ Hastings, Deborah. "Overseas soldiers hoping votes count," *The Associated Press for Deseret News*, Oct. 30, 2004.
- ¹⁶ McCaffrey, Shannon. "Congressional race waits for military, overseas ballots," *The Associated Press for Daily Report*, July 19, 2007.
- ¹⁷ Wickline, Michael R. "Military vote count divides candidates for secretary of state," *Arkansas Democrat Gazette*, Sept. 1, 2006.
- ¹⁸ *Op. Cit.*, "UOCAVA Survey Report Findings."
- ¹⁹ *Ibid.*
- ²⁰ *Ibid.*
- ²¹ *Op. Cit.*, Knowlton, "Data on overseas absentee ballots raise questions."
- ²² *Op. Cit.*, "UOCAVA Survey Report Findings."
- ²³ *Op. Cit.*, Urbana
- ²⁴ *Ibid.*
- ²⁵ "Report on IVAS 2006," Federal Voting Assistance Program, *U.S. Department of Defense*, December 2006.
- ²⁶ *Op. Cit.*, "Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens."
- ²⁷ *Op. Cit.*, Urbana
- ²⁸ *Op. Cit.*, Urbana
- ²⁹ Phone interview, Aug. 28, 2007.
- ³⁰ S.B. 90, Texas Legislature, 80th Regular Session, 2007.
- ³¹ "Chapman seeking electronic voting for Alabama military," *The Associated Press* as published in *The Decatur Daily*, April 6, 2007.
- ³² "Instant Runoff Absentee Ballots," *Fair Vote*, www.fairvote.org.
- ³³ *Ibid.*
- ³⁴ *Ibid.*
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