

**ALLIANCE FOR
MILITARY AND OVERSEAS
VOTING RIGHTS**

TESTIMONY

THE ALLIANCE FOR MILITARY AND OVERSEAS VOTING RIGHTS

PRESENTED BY

CO-CHAIRMAN, RICK JONES

BEFORE THE

COMMITTEE ON HOUSE ADMINISTRATION

**Tuesday, February 15, 2011, 10:30 am
Room 1310 Longworth House Office Building**

Chairman Lungen, Ranking Member Brady, and members of the Committee:

It is a pleasure to appear before you today to testify at the Committee on House Administration Hearing on Military and Overseas Voting: Effectiveness of the Military and Overseas Voter Empowerment (MOVE) Act in the 2010 Election.

My name is Rick Jones, Co-Chairman of the Alliance for Military and Overseas Voting Rights (AMOVR) and Legislative Director of the National Association for Uniformed Services (NAUS). For the record, neither AMOVR nor NAUS has not received any federal grant or contract during the current fiscal year or during the previous two fiscal years in relation to any of the subjects discussed today.

The National Association for Uniformed Services, founded in 1968, represents all ranks, branches and components of uniformed services personnel, their spouses and survivors. The Association includes personnel of the active, retired, Reserve and National Guard, disabled veterans, veterans community and their families. We love our country and our flag, believe in a strong national defense, support our troops and honor their service.

The Alliance for Military and Overseas Voting Rights (AMOVR), formed in 2009, is a coalition of more than 30 military associations, non-profit organizations, elected officials and student groups dedicated to ensuring that Americans abroad have an equal right and opportunity to vote. From its founding, the Alliance has helped advance the following principles:

- Military and overseas voters must be provided adequate time to receive, complete, and return their absentee ballots;
- States should adopt standardized procedures for registering Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters, delivering blank ballots to them and receiving the cast ballots from them;
- Congress and the states should expand and accelerate research and pilot projects to find technological solutions that provide a secure, efficient and convenient means for military and overseas voters to cast their ballots; and
- The election system should serve both military and overseas civilians.

The Alliance for Military and Overseas Voting Rights worked to advocate for and to pass the MOVE Act. In October 2009, the MOVE Act was approved as part of the larger defense authorization bill. Its passage reflects a long overdue fix.

Sixty years ago, President Harry S. Truman asked Congress to guarantee military voters the right to vote. President Truman wrote:

“Many of those in uniform are serving overseas, or in parts of the country distant from their homes. They are unable to return to their States either to register or to vote. Yet these men and women, who are serving their country and in many cases

risking their lives, deserve above all others to exercise the right to vote in this election year. At a time when these young people are defending our country and its free institutions, the least we at home can do is to make sure that they are able to enjoy the rights they are being asked to fight to preserve.”

Although no piece of legislation is perfect, we firmly believe that the MOVE Act is a positive measure and gives us a strong advance towards addressing all of these core principles and critical guarantees highlighted above.

In effect, the MOVE Act removes a number of obstacles that have blocked as many as one-quarter of uniformed and overseas voters in the 2008 Federal election from successfully casting their absentee ballots.

Key Provisions, State Waivers and DOJ Compliance Actions

As you know, Mr. Chairman, the key provisions of the MOVE Act include:

- Acceptance of technology for online voter registration, for electronic delivery of blank ballots, and for ballot tracking systems;
- Email communications with voters to answer questions and engage absentee voters; and,
- Electronic transmission of blank ballots 45 days before Election Day.

The MOVE Act required States to have these key advances in place and ready for the 2010 Federal election. States unable to comply with the 45-day rule were required to file for a waiver, consulting first with the U.S. Attorney General and with approval provided by the Department of Defense (DoD).

Enforcement of provisions enacted under the MOVE Act fall to the Attorney General at the Department of Justice (DOJ).

AMOVRA is informed that DOJ committed significant resources to ensure successful nationwide implementation of the law. According to DOJ, it resolved compliance issues in the six jurisdictions whose waiver requests were denied by DoD.

Subsequent to a series of communications with States on their waiver denials, the Department reached out-of-court agreements with Alaska, Colorado, Hawaii, the District of Columbia and the Virgin Islands. It also filed a consent decree with Wisconsin.

DOJ reports out-of-court actions with other jurisdictions including Nevada, North Dakota, Kansas and Mississippi. In addition, DOJ obtained consent decrees with Illinois, New Mexico, New York and won a court-ordered injunction against Guam.

It is our understanding that the Federal Voting Assistance Program (FVAP), an agency of the Department of Defense, is working on a methodology to “score” States on a 2010 election adoption of MOVE Act provisions. Scores would be weighted, FVAP informs, with greatest

weight given to compliance on the three main factors: the 45-day rule; the provision of online and email programs; and, whether the State allows use of the Federal Write-in Absentee Ballot (FWAB) for all elections.

AMOVR is reviewing the FVAP initiative but believes it may offer help in evaluating the success of individual States on adopting MOVE Act and it may also give us better focus on remaining State compliance issues.

Another problem facing military and overseas voters is awareness of available tools that aid the absentee voting process. Over the past election cycle, the Pentagon's voting agency has worked to improve voter information and the States have as well. This sort of outreach should be continued. Research suggests that less than half of voters are aware they have the right to use the FWAB and it also suggests that too many election officials are also unaware.

More than 30 States have user-friendly online programs to assist voters, which signifies a significant change from only 8 States in 2008. And if a State is readily equipped, FVAP will help drive the absentee voter to the absentee voter's correct site for direct State information.

While there is more that needs attention, much has been accomplished. It is important to understand that the MOVE Act has been in place for less than one election cycle.

Alliance Goals to Ensure Opportunity to Vote and to Have Vote Counted

One of the main goals of our Alliance is to see States adopt laws to facilitate overseas voting and provide adequate time to receive, complete, and return absentee ballots.

With 1.5 million military voters, 1.1 million military dependents, and more than 3 million overseas civilians, it is essential that we work together to ensure our service members are not disenfranchised by the circumstances of their service. One out of every four ballots requested by military personnel and other Americans living overseas for the 2008 election may have gone uncounted, according to findings being released at a Senate hearing Wednesday.

As you are familiar, survey results released last week from the Overseas Vote Foundation, one of the AMOVR partner groups and Co-Chair of the Alliance, reveal the following for the 2010 Election:

- More than four-fifths of voters (82 percent) received the ballot they requested, a 5-percent improvement over 2008.
- Fewer voters reported receipt of a ballot too late for successful return (one-third reported difficulty in 2010, more than half reported the problem in 2008).
- All 50 States provided electronic transmission of blank ballots, up from 20 States in 2008, demonstrating direct response to MOVE ACT.
- However, voters using electronic-ballot-request were less likely to receive their ballot than those using mail. Of the 18-percent of voters who did not receive their ballot, nearly 22 percent had used an electronic method for their request.

- Despite all States use of electronic deliver of blank ballots, almost a third of local election officials reported they did not, indicating that the MOVE Act took place at the State level rather than the local level of governance.
- Although the MOVE Act prohibits States rejection of votes without notarization, some States retained a request for such witness signature, causing some voters to drop out of the vote because of an inability to find adequate notary or witness.

Department of Defense Federal Voting Assistance Program

As the Chairman knows, the Federal Voting Assistance Program (FVAP), a Pentagon program, handles the election process for military personnel and other overseas voters. FVAP reported last week that it has not as yet fully gathered and assessed data from the 2010 election to help assess the effectiveness of the MOVE Act.

Last week, FVAP Director Bob Carey told AMOVR members and other associations at a meeting called to review the MOVE Act that one of the major weaknesses in overseas voting is found in the failure of ballot return.

FVAP points to the failure in the return of ballots as one of the major issues facing military and overseas voters. The defense agency reports that absentee ballot return rates for the general population run at a level of more than 90 percent. For Uniformed and Overseas Citizen Absentee Act (UOCAVA) voters, the ballot return rate falls to 67 percent.

When other ballot delivery issues are counted—such as 9 percent misaddressed ballots, 6 percent returned undeliverable, and 17 percent of those military who request an absentee ballot never get it—a total of nearly 370,000 military voters may face real problems.

Express Mail Return of Ballots

Clearly, late and missing ballots continue to plague overseas and military voters. Consideration of this issue is sorely needed. We need to investigate how certain jurisdictions succeeded in voters successfully casting a ballot outside their traditional polling place and apply the better practices to improve outcomes in areas that struggle.

The Alliance for Military and Overseas Voting Rights is encouraged, however, by a number of advances that have been made under the direction of the MOVE Act.

One of these advances is express mail return of completed ballots. Not only does it provide speed of return, express mail offers an assurance that the vote is received and a confidence it is counted.

Though anecdote is not data, one story helps explain how comfort and confidence can be found in the use of express mail. An absentee voter recently reported that prior to going overseas he had worked directly with the head registrar of his precinct when applying for an absentee vote.

When overseas, the absentee voter completed his ballot and returned it using express mail. Tracking the ballot, the voter was able to read confirmation of receipt and see the receipt was signed by the very same precinct registrar who had helped him register.

That's a pretty strong indicator. It presents a positive affirmation and lends confidence in the process. It's an immediate comfort that gives our military and their families confidence that they can reliably secure an absentee ballot, complete it and return it in time to vote.

At this point, neither AMOVR nor NAUS have discovered or heard any widespread concerns or complaints similar to those typical of the frustration expressed in 2008 when one soldier responded to the OVF (Overseas Vote Foundation) survey:

“Registered to vote. Serving in Afghanistan. Never received a ballot. Tried to use the Federal Absentee Write-In process - still required me to mail in the ballot, and I was out of time ... [I] am very angry!”

The “fix” remains timely access to a ballot with improvement in absentee voting rules and more consistent regulations with each State. Challenges remain in navigating our election system. Our troops, their families and citizens overseas deserve nothing less than the same constitutional rights they safeguard for the nation.

Those who defend our country and its free institutions need help to enjoy the rights they are asked to fight for and preserve. It is the least America can do to protect the right to vote for those who serve in uniform to protect us.

Appreciation for the Opportunity to Testify

Mr. Chairman, the Alliance for Military and Overseas Voting Rights was founded to overcome the roadblocks in the voting process for our troops and citizens overseas. Congress passed the Military and Overseas Voter Empowerment (MOVE) Act to provide greater protections for service members, their families and other overseas citizens.

On behalf of the organizations of the Alliance for Military and Overseas Voting Rights and the nationwide membership of the National Association for Uniformed Services, I express our appreciation to Members of the Committee for holding this hearing. We ask that you continue your work in good faith and in bi-partisan spirit to support the right to vote for our fellow Americans living, working and serving abroad.

The service given by the men and women who serve in uniform is vital to our defense and national security. They stand as one of our nation's greatest assets. The Alliance for Military and Overseas Voting Rights is proud of the service they give to America every day, and we are confident you will take special care to protect their right to vote.

Again, the Alliance for Military and Overseas Voting Rights and the National Association for Uniformed Services stand ready to work with you to improve the system and make the process more efficient, cost-effective and reliable.

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The Ballot

A weapon that comes down as still
as snowflakes fall upon the sod;
But executes a freeman's will,
as lightning does the will of God.

John Pierpont, 19th Century American Poet

Members of the Alliance for Military and Overseas Voting Rights

Rick Jones, *Co-Chair*, Alliance for Military and Overseas Voting Rights, *Legislative Director*, National Association for Uniformed Services

Chip Levegood, *Co-Chair*, Alliance for Military and Overseas Voting Rights, *Chairman of the Board*, Overseas Vote Foundation

American Citizens Abroad

Fleet Reserve Association

American Foreign Service Association

Florida Voters Foundation

American Military Retirees Association

Hispanic War Veterans Foundation

American Military Society

International Peace Operations Association

American Retirees Association

Iraq and Afghanistan Veterans of America

American WWII Orphans Network

The Hon. Jeremy Kalin, Minnesota House of Representatives

Association of American Residents Overseas

Korea War Veterans Foundation

Association of the United States Navy

Military Officers Association of America

Bexar County Elections, Texas

National Association for Uniformed Services

BIPAC

National Defense Committee

Brennan Center for Justice

National Guard Association of the United States

The Hon. Jennifer Brunner, Ohio Secretary of State

National Military Family Association

The Hon. Beth Chapman, Alabama Secretary of State

Operation BRAVO Foundation

Empire Capitol Strategies

Overseas Vote Foundation

Enlisted Association of the National Guard of the United States

Pew Charitable Trusts

FAWCO Alumnae USA

Reserve Officers Association

Federation of American Women's Clubs Overseas

Rock the Vote

The Flag and General Officers Network

Retired Enlisted Association

Verified Voting Foundation



Richard A. “Rick” Jones

Legislative Director

National Association for Uniformed Services (NAUS)

Richard A. “Rick” Jones joined NAUS as Legislative Director on September 1, 2005. As legislative director, he is the primary individual responsible for promoting the NAUS legislative, national security, and foreign affairs goals before the Departments of Defense and Veterans Affairs, and the Congress of the United States.

Rick presently serves as co-chairman of the Alliance for Military and Overseas Voting Rights (AMOVVR) and co-director of the National Military and Veterans Alliance (NMVA). AMOVVR is formed to ensure that our military men and women are afforded their right to vote and to ensure their votes are counted. NMVA is composed of 31 military associations and veterans organizations with a combined membership of over 3.5 million members.

Rick is an Army veteran who served as a medical specialist during the Vietnam War era. He completed undergraduate work at Brown University prior to his Army draft and used the GI Bill to earn a Master Degree in Public Administration from East Carolina University in Greenville, North Carolina, following military service.

Prior to assuming his current position, Rick served as National Legislative Director for AMVETS, a major veterans service organization. He also worked nearly twenty years as a legislative staff aide in the offices of Senator Paul Coverdell, Senator Lauch Faircloth, and Senator John P. East. He also worked in the House of Representatives as a committee staff director for Representative Larry J. Hopkins and Representative Bob Stump with committee experience on the House Committee on Veterans’ Affairs.

Rick and his wife Nancy have three children and reside in Springfield, Virginia.

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NAUS was founded in 1968 to support legislation to uphold the security of the United States, sustain the morale of the Armed Forces, and provide fair and equitable consideration for all members of the uniformed services: active, Reserve, National Guard, veteran, retired and their spouses, widows and widowers. The Society of Military Widows became affiliated with NAUS in 1984. NAUS is the only military association to represent all grades, ranks, components and branches of the uniformed services: Army, Air Force, Navy, Marine Corps, Coast Guard, Public Health Service, National Oceanic and Atmospheric Administration, their families and survivors.