

**Testimony on Effectiveness of the MOVE Act in the 2010 Election
Before the Committee on House Administration
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Thank you Chairman Lungren, Ranking Member Brady, and members of the Committee on House Administration for inviting me to testify at today's Hearing on "Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Election."

Testimony

My name is Natalie Tennant and I serve as the West Virginia Secretary of State, a post to which I was elected in November 2008. I am grateful for the opportunity to speak to you today about our experience in West Virginia related to the implementation of the Military and Overseas Voter Empowerment Act, otherwise known as the MOVE Act. This topic is of great importance to election administrators, to uniformed service members, their spouses and dependents, and to United States' citizens living and working around the world. This subject also holds personal meaning for me as the spouse of a U.S. service member scheduled to be deployed to Afghanistan in just a few short months.

To provide a brief background, the MOVE Act was passed by Congress and subsequently signed into law on October 28, 2009 as part of the Defense Authorization Act for Fiscal Year 2010. The Act modified and expanded provisions of the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) which guarantees certain rights and privileges related to voter registration and absentee voting for uniformed service members, their families, and other overseas U. S. Citizens.

The MOVE Act contained several key provisions to be implemented at the state level in order to ensure compliance. However, not all of these affected West Virginia since certain requirements were already being met or did not apply, such as prohibitions on refusing an absentee ballot based on the lack of a notarization, or due to the size or weight of the ballot paper or mailing envelope.

However, other essential elements of the Act did require us to initiate a state-level legislative response. The MOVE Act set a definitive timeframe for the transmission of blank absentee ballots to UOCAVA voters who had timely submitted an application for a ballot. In order to ensure these voters have ample time to receive, mark and return absentee ballots, the Act included a requirement that States transmit blank absentee ballots at least 45 days prior to the date of a federal election. For a standard General Election held on the first Tuesday following the first Monday in November, this 45-day provision placed the ballot transmission deadline on a Saturday. West Virginia law includes a provision that any deadline falling on a weekend will effectively fall on the following Monday. In order to ensure the full 45-day transmission period, West Virginia enacted conforming legislation that set the transmission deadline 46 days before the election, a Friday.

Previously, West Virginia state code provided a 42-day ballot transmission period. In order to accommodate the new 46-day period, additional Code provisions required amendment. My office has requested that the state legislature shift the candidate filing deadline for certified write-in candidates to 49 days before the election in order to provide all absentee voters with complete candidate information. In addition, certain ballot printing deadlines had to be amended in Code to support the new absentee voting period.

The expanded ballot transmission period was one element of the MOVE Act designed to address issues of “time.” Multiple reports issued since the 2008 General Elections indicate that the *time* involved in receiving and casting an absentee ballot remains one of the most significant barriers to voting for uniformed service members and overseas citizens. To further address time-related issues, the Act required states to establish procedures to transmit voter registration applications, absentee ballot applications and blank absentee ballots to UOCAVA voters in an electronic format at the voter’s request. West Virginia had already instituted provisions allowing clerks an option to electronically transmit these

materials, so the only necessary legislative change was to make an electronic transmission method a requirement when so requested by the voter.

Once conforming legislative was in place, focus was shifted to actual implementation of the MOVE Act provisions. In order to fully evaluate voting options available to UOCAVA voters and to ensure MOVE Act compliance in all 55 West Virginia counties, the Secretary of State's office participated in an online "ballot delivery" pilot project in conjunction with the Department of Defense and the Federal Voting Assistance Program (FVAP). The state also conducted a concurrent West Virginia Online Voting Pilot Project which was authorized by state legislation adopted in late 2009.

The online voting pilot project was deployed in five counties during the 2010 primary elections and was expanded to eight participant counties in the 2010 general elections. The online pilot was conducted with two vendor partners, both of whom were subsequently included in the pool of six vendors selected by the FVAP/Department of Defense to participate in their ballot delivery pilot. A third vendor was used for West Virginia's involvement in the FVAP pilot. By working with three of the six vendors approved to participate in the federal pilot project, West Virginia was able to experience and evaluate the differing approaches to MOVE Act implementation. During the entire pilot period, UOCAVA voters retained the right to vote by traditional mailed ballot procedures; the choice of ballot transmission was solely at the discretion of the voter.

To ensure UOCAVA voters were aware of the voting options available to them, the state embarked on a three-pronged outreach approach utilizing traditional and non-traditional media methods. The first prong was a broad outreach, designed to reach known and potential UOCAVA voters. This included: RSS feeds through the Federal Voting Assistance Program; postings on Facebook; Twitter alerts; press releases to Republicans Abroad, Democrats Abroad, and to armed forces spouses publications; and local media coverage aimed at friends and relatives of deployed service members and citizens abroad in an effort to enlist their support in spreading the message.

The second outreach prong was directed to UOCAVA-related *groups* such as local National Guard units, military installations, and student year-abroad programs. The third prong of the outreach effort was directed at known UOCAVA voters on the individual level. Using existing voter registration and absentee voting records, voters identified as military or overseas were sent individual notices, by mail or e-mail, alerting them to all voting options available to them. (Note: Since voters applying for an absentee ballot using a Federal Post Card Application prior to the passage of the MOVE Act were informed that the application was valid through two federal election cycles, a decision was made to honor those applications as valid UOCAVA voters.) A post-election survey showed that voters did hear of these options from a variety of sources including Voting Assistance Officers, “tweets” from our office, Facebook alerts, and through the Armed Forces Television Network. However, the primary source of information for these voters was still the local clerk of the county commission.

Another source of information for all absentee voters is the Secretary of State’s website (www.wvsos.com) which included: s information on the online voting pilot and the FVAP ballot delivery pilot, links to the Federal Post Card Application which may be used for voter registration and as an absentee ballot application, an additional link to the Federal Write-In Absentee Ballot, sample ballots for all 55 West Virginia counties and the free access ballot tracking information required by the MOVE Act.

Through concerted and cooperative efforts by local county clerks and their staff, our vendor and federal agency partners, UOCAVA voter support systems, and the staff in my office, West Virginia met all requirements of the MOVE Act. Every county clerk was individually contacted to confirm all previously-applied-for absentee ballots were transmitted by the state-adopted 46 day deadline and all voters requesting electronic ballot transmission were provided that option. The conduct of the two pilots allowed the state to test for functional effectiveness, to determine true environmental and logistical obstacles, and to add appreciably to the national dialogue on electronic voting options and their feasibility.

I believe we achieved a high level of success with these efforts. We received positive voter feedback, experienced a significant increase in UOCAVA voter successful vote attempts, and we are ready to work with all stakeholders to ensure that this dearest of individual rights, the right to a meaningful opportunity to cast a ballot, is afforded to all voters; we consider this to be our solemn obligation.

Thank you Chairman Lungren, Ranking Member Brady and members of the committee for this opportunity. I am prepared to answer any questions you may have at this time.