

Committee on House Administration
Hearing on
“Military and Overseas Voting: Effectiveness of the MOVE Act in the 2010 Election”
1310 Longworth House Office Building
Tuesday, February 15, 2011
10:30am

Statement of
The Honorable David H. Stafford, CERA
Supervisor of Elections, Escambia County, Florida

Chairman Lungren, Ranking Member Brady, members of the committee, thank you for the opportunity to share my thoughts on military and overseas voting. All five branches of the military have a presence in Escambia County, Florida. Perhaps we are best known as the “Cradle of Naval Aviation”, where flight training begins for every Naval Aviator, Naval Flight Officer, and Enlisted Aircrewman and woman, and as the home of the storied Blue Angels. The Air Force has a somewhat new but nonetheless robust presence aboard NAS Pensacola, along with Marine Aviation Training Support Group 21. Escambia County is also home to the Center for Information Dominance – the “Cradle of Cryptology”, Navy Hospital Pensacola, Saufley Field, VA Joint Ambulatory Care Center, and a host of other defense assets and infrastructure. In short, we are a proud military town and embrace those who serve. We are in the midst of a year-long celebration of the centennial of Naval Aviation, and on behalf of our community, I extend a personal invitation to each of you to join us in Northwest Florida for this unique event.

We are privileged to have nearly 17,000 military and overseas citizens and their dependents as active voters. This does not include the thousands of military retirees and reservists who call Escambia County home. And as the grandson, son, brother, nephew, cousin and friend to several current and former military voters, this aspect of my job is very personal. In fact, my grandfather, William H. Stafford, a Pennsylvania National Guardsman whose unit was activated and made part of the Army’s 28th Division during World War I, was captured by the Germans in France and taken prisoner until after the Armistice was signed in 1918. He returned home to western Pennsylvania, married his sweetheart, and the rest, as they say, is history.

On the subject of today’s hearing, I will offer my perspective on the past, present, and future of military and overseas voting in Escambia County and the Sunshine State.

Florida has been at the forefront of military and overseas voting for decades. In fact, we still operate under a 1982 Consent Decree between the State of Florida and the Department of Justice, entered by a United States District Judge named William H. Stafford, Jr. Ironically, he is

the son of the aforementioned William H. Stafford, and is my father. The dispute centered on the 1980 General Election, in which Florida's election calendar resulted in ballots being mailed to overseas voters 20 days or less from Election Day. Ultimately, the parties agreed on a remedy in which absentee ballots received from eligible overseas voters would be counted up to 10 days beyond Election Day for the general election. Again, we still operate under that Consent Decree even though we are now among the nation's leaders in the canvassing of military and overseas ballots.

Both federal law and Florida statutes progressed in the subsequent decades. For instance, Florida altered its election calendar several times to provide for more time to mail ballots. While not required in Florida until passage of the MOVE Act implementing language, many counties in Florida met the 45 day mailing deadline for all elections, not just federal general elections. We also removed notary and witness requirements years ago. Florida also led in the electronic transmission of materials to overseas voters. Even before the MOVE Act, Florida required that a list of candidates be sent electronically to any overseas voter for whom we had an e-mail address no later than 30 days before the election. We also permitted, and still do, the return of ballots from overseas voters via facsimile. Congress also helped in the FY 2005 Defense Authorization Act by expanding the use of the Federal Write-In Absentee Ballot (FWAB) to stateside military voters, and by adjusting the absentee request deadline. Perhaps most exciting, in 2008 my colleagues from Northwest Florida, then-Supervisor of Elections Pat Hollarn and her deputy Paul Lux, successfully conducted the Okaloosa Distance Balloting Project, which allowed overseas voters to cast a ballot via a remote kiosk.

As a result, Florida had very little to change to comply with the MOVE Act. In fact, Florida's then-Division of Elections Director Donald Palmer and Mrs. Hollarn were consulted often during the development of the MOVE Act, and both testified before Congress in the months leading up to final passage. Among the changes enacted last session, Florida: extended to all elections the 45-day deadline for mailing UOCAVA ballots; expanded electronic transmission of ballots to all absent military voters, not just to those overseas; implemented a notification and free-access tracking system for absent uniformed and overseas voters; allowed absent military and overseas voters to designate their preferred method of ballot delivery; and reduced from two to one the number of election cycles for which a single absentee request could apply. This last provision caused a bit of concern among some of my colleagues, as some preferred to stay at two cycles. However, there is no consensus on that point in Florida.

One of my disappointments from the 2010 election cycle was Florida's decision not to pursue the FVAP grant for the Ballot Delivery and Marking Wizard. As you may know, FVAP made funds available to states to deploy this technology, which is an intuitive method for electronic

ballot delivery and completion. Due to time and resource constraints, Florida did not participate. In fact, my county was very close to deploying our own system, but time did not permit. I was pleased to learn recently from Executive Director Bob Carey that FVAP intends to make the grant available to local election officials this year and I intend to take full advantage. Their online Federal Postcard Application and FWAB are also good tools for voters. I'd also like to compliment the U.S. Postal Service and the Military Postal Service of the Department of Defense for implementing the Express Mail Label for Returning Military Absentee Ballot Mail. We saw incredible turnaround times for returned ballots for those who took advantage. As mail continues to be the primary method of ballot return for UOCAVA voters, a close relationship with the U.S. and military postal services is essential.

While the MOVE Act and subsequent state legislation have made important advancements in military and overseas voting, we can and must do more. While we have made significant progress on ballot delivery, we still rely on mail return for the bulk of UOCAVA voters. While facsimile return is an allowable option in Florida, it is a dying technology and is difficult for many overseas voters to access. Many younger UOCAVA voters don't understand why they can fax a ballot but not return a ballot via secure e-mail, which most of them use every day. My colleagues and I certainly appreciate that there are valid security concerns that must be addressed. In fact, I heard from an attendee at last week's Overseas Vote Foundation meeting here in Washington that this was a major topic of discussion. However, we have the best and the brightest minds in the world here in the United States, including many in the ranks of our military and civilian government. Relying on essentially the same system of returning ballots used in the Civil War is no longer acceptable. We can and must figure this out.

So, how do we move forward? I believe the best path is through pilot projects, similar to the Okaloosa Distance Balloting Project mentioned earlier. There are exciting technologies being developed and tested as we speak. Through additional FVAP grants and similar programs, innovative solutions to some of these centuries-old problems can be found. If needed, these new technologies and methodologies can be demonstrated through test elections so any vulnerabilities and shortcomings can be identified outside an actual live election.

In addition, the Uniformed Law Commission (ULC) has adopted UMOVA, a plan for states to adopt to enhance the effectiveness of the MOVE Act. We met late last year with ULC representatives, and as mentioned earlier, Florida is already compliant with most of the major provisions. One suggested improvement, expanding the use of the FWAB to additional elections and contests, is making its way through the Florida legislature this session.

Also, we must acknowledge that although we have innovative new tools to help our military and overseas voters, a lack of awareness remains. We know that military men and women, and their overseas civilian counterparts, are extremely busy with their primary duties and may not have the time or resources to actively seek out the necessary information to help them register and vote. We also recognize that the effectiveness of Voting Assistance Officers (VAOs) varies greatly, and that this is a secondary or tertiary duty that often times is forced upon them. Thus, we must target the individual voter directly, and not rely on third parties to deliver the information. FVAP is making great strides on this front, as are election officials across the country. Through use of websites, e-mail and social media, much of what a UOCAVA voter needs to know can be easily communicated directly to him or her.

However, a great deal of the responsibility ultimately rests with the voter. They must keep us informed of any changes of address or status, be somewhat knowledgeable of the general registration and voting procedures in their particular home jurisdiction, and not wait to notify their election official of any problems until it is too late. Far too many ballots are returned undeliverable, and this cancels their request. In addition, now that the FPCA is good for only one election cycle, UOCAVA voters must actively request ballots for each election cycle. A concerted effort to communicate this to voters is essential.

On our website, EscambiaVotes.com, we have a section dedicated to military and overseas voters which includes an excerpt from President Truman's 1952 letter imploring Congress on behalf of those in the Armed Forces to "make sure that they are able to enjoy the rights they are being asked to fight to preserve." In closing, I applaud Congress for continuing to address these concerns by passing the MOVE Act. I am very proud of Florida's history of taking care of our military and overseas voters, and look forward to continued progress at the federal, state, and local level. Thank you again for the opportunity to address this committee.