

## **“Improving the Registration, Absentee Request and Voting Process for the UOCAVA Voter.”**

Mr. Chairman and Members of the Committee, thank you for the opportunity to testify today on the SENTRI Act, which continues the improvements to the military voting process under the MOVE Act. **The recent release of the report from the Presidential Commission on Election Administration (“The Commission” hereafter) noted the continued difficulties of UOCAVA voters in registering to vote, receiving their ballots in a timely manner, and returning their ballots to election officials in time to be counted.** Similarly, the SENTRI Act recognizes that military voters have lower registration and participation rates and much lower rates of absentee ballots that are successfully returned and counted. The rate of successful return of absentee ballots for overseas military voters’ remains in the high 60%’s while the successful return of domestic absentee ballots is closer to 98% of ballots.

Last week in a hearing on military voting in the Virginia legislature, a former spouse of an overseas civilian employee explained why it is so important to solve this problem. She described how it felt to be overseas citizen with her husband representing her government in a place far away from her country. She described how there was a sense of patriotism and duty that motivated her to serve in a remote and dangerous region on behalf of her country. Because of this heightened sense of duty, she felt a real need to vote because she believed it also fulfilled her duty as a citizen. When she was unable to exercise that right to vote due to a delay in the postal service, it was a blow to that sense of duty, that somehow she failed. Many who have served or deployed overseas relate to her story. Because overseas citizens and military members often represent the US Government while serving in these remote areas, we have a duty to find new ways to improve an imperfect process and give them every opportunity to successfully vote.

**The Commission noted the difficult situation of UOCAVA voters continue to find themselves and the disproportionate impact of failing to accommodate these voters with processes that allow them to fully participate in the voting process.** The sponsors of the SENTRI Act have shown focus and foresight as they carefully reviewed the data available from the States after 2012 to determine where the MOVE Act is succeeding and where it needs to be amended. As a result of their independent findings, the Commission specifically called for more accuracy in voter registration data, that registration materials be available on websites and recommended the use of electronic means for UOCAVA voters to register or update their addresses online. While the language of the SENTRI Act was drafted well before the Commission report, the legislation reflects many of the bipartisan recommendations made on how to improve the registration and absentee ballot request process for military and overseas citizens.

**The Commission specifically called for online mechanisms for UOCAVA voters to easily and quickly update their address or registration status.** The SENTRI Act requires annual voter assistance and updates of registration data by the military member with online tools. DOD will use technology and website interaction with its military members to facilitate the update of registration information at the same time that members would normally update their information due to deployments, overseas duty or change of duty station or some other change in status. Based on my military experience, there are more than a dozen different forms that must be updated online each year, not only before deployment or a new duty station but for training purposes or it is a new calendar or fiscal year. Therefore, this process should fit nicely into existing procedures for updating of materials.

**The Commission noted in its report that military and overseas voters represent the population most likely to benefit from the increased use of the Internet in the registration process.** The members of the Department of Defense (DOD) are a highly mobile population of voters and because of this mobility, inaccurate addresses and information lead to significant delays in ballots reaching the military or result in undeliverable ballots where the ballots never reach the voter. The SENTRI Act would provide online mechanisms to maintain accurate voter registration information on UOCAVA voters for the benefit of all state and local election officials across the country. As a state election official and former member of the military, this proposal would dramatically increase the ability of election officials to maintain the most up-to-date information on absent and overseas military voters. Lastly, my experience with electronic registration in Virginia shows how this online process can be secure with verification of identity and will improve the overall integrity of the registration process and voter rolls. A system that allows for the annual update of registration information will reduce the high potential for registration error, out of date address information, and the unnecessary delay that exists with traditional paper based systems. The online system would provide cities and counties significant monetary savings and produce a more satisfied UOCAVA population. FVAP surveys consistently show that due to challenges with time and distance, overseas and remote voters are tied to the Internet as their life-line for registration and voting purposes.

**The Commission specifically recommended the data exchange of voter registration information between states.** This type of data from other states allows state and local election officials to maintain the voter rolls more accurately by keeping up with a mobile population. Similarly, any DOD system that provides a consistent and reliable flow of updated registration address data from military voters would dramatically increase the accuracy of the registration data at the state level.

**The Commission noted that compliance with UOCAVA and the MOVE Act for military and overseas voters continues to be inconsistent or inadequate, and enforcement must be strengthened.** The SENTRI Act provides special rules in the case of failure of state or local election officials to transmit their ballots on time. Despite good faith efforts, the record indicates there have been failures in this area by a number of jurisdictions in 2010 and 2012. State election officials often do not have the authority in law to require local election officials to report the successful transmission of absentee ballots and are not aware of mailing failures. As time goes by, jurisdictions have become more consistent in meeting these important deadlines and working with state officials. However, these failures have resulted in great deal of litigation against states and resulted in dozens of consent decrees and memorandums of agreement that then require federal oversight for a number of years.

The SENTRI Act may actually resolve the recent litigious past of the MOVE Act. Because the law would require jurisdictions to automatically send ballots by express delivery if they fail to meet the initial 45 day mailing deadline for any reason. The proposed law would reduce the amount of lawsuits by immediately providing a built-in remedy for the benefit of the voter. Federal law would prioritize the express transmittal of the ballot to the voter over waiting for post-election litigation to determine the extent of the failure and appropriate judicial relief. In most cases, local and state jurisdictions already pay the extra money to send ballots by express delivery due to human mistakes or logistical challenges that sometimes result in ballots being sent late. The bottom line is the SENTRI Act will codify what election officials instinctively do when errors occur and is a reasonable remedy that the DOJ routinely requests in litigation.

Lastly, the SENTRI Act requires a biennial report on the effectiveness of activities of the Federal Voting Assistance Program (FVAP). Much of the SENTRI Act is based on the facts and statistical evidence that we have from the 2012 election, post MOVE Act. The Commission recommendations are based on much of the same data. The continued collection of election data both at the Election Assistance Commission and FVAP is important to identify the continued effectiveness of voting assistance, the proper use of technology and what areas the Congress and the states may need to address in the future.

The SENTRI Act is a bipartisan piece of legislation in which the election community has been consulted on a number of occasions. The authors of the legislation have responded to the input of state and local election officials and other stakeholders involved with the electoral process. Many of the sections of this bill are aligned with the major bipartisan recommendations of the Commission. In my estimation, the use of technology, data-sharing, and other common sense reforms will allow UOCAVA voters to more efficiently register and

request absentee ballots, improve the accuracy and integrity of UOCAVA registration data, and generally improve election administration in the United States.

Thank you for the opportunity to testify on this important issue.

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Donald Palmer currently serves as the Secretary of the Virginia Board of Elections. Appointed in 2011, he is chief election official of the Commonwealth of Virginia and the head of the state agency charged with implementation and uniformity of state and federal election law. Previous to his current position, he served as the Director of Elections with the Florida Department of State during the successful 2008 and 2010 election cycles. Since 2009, he has served on Election Assistance Commission (EAC) advisory boards, including the Standards Board Executive Board and the Technical Guidelines Development Committee (TGDC) representing the National Association of State Election Directors (NASSED) and the Commonwealth of Virginia.

Prior to his tenure in Florida, he served as a trial attorney with the Department of Justice, Civil Rights Division where he enforced the federal voting laws and provided guidance to states on compliance with the federal voting laws. In that position, he enforced the voting rights of Americans under the Voting Rights Act (VRA), the Help America Vote Act (HAVA) and the National Voter Registration Act (NVRA). He also monitored compliance of the states with the Uniform and Overseas Citizens Absentee Voting Act (UOCAVA). Prior to his entry into the arena of voting law and election administration, he served in the U.S. Navy as an Intelligence Officer and as a Judge Advocate General deployed overseas onboard the USS John F. Kennedy and with tours of duty in Florida, Italy, and Washington D.C.