



# Overseas Voting:

Improving Military and  
Overseas Election Data Collection



Overseas Voting Initiative EAVS Section B Recommendations Report

## Overview and Key Recommendations

The Overseas Voting Initiative, or OVI, is a cooperative agreement between The Council of State Governments and the U.S. Department of Defense's Federal Voting Assistance Program, or FVAP. The OVI is charged with developing targeted and actionable improvements to the voting process for the more than 1.3 million members of the uniformed services and Merchant Marine; their 700,000 eligible family members; and the 5.7 million U.S. citizens living, studying and working overseas. Voters covered under the Uniformed and Overseas Citizens Absentee Voting Act, or UOCAVA, face unique voting obstacles due to their mobility; the time required to transmit ballots; and the patchwork of laws, rules and regulations across the 50 states, the District of Columbia and the four U.S. territories covered by UOCAVA.<sup>1</sup>

In August 2015, the Election Assistance Commission, or EAC, held the EAC Data Summit in Washington, D.C. At the meeting, state and local election officials discussed the issues they face answering the EAC's Election Administration and Voting Survey, or EAVS. A key point of discussion related to Section B of the EAVS, which asks for data regarding different aspects of military and overseas voting. In 2014, FVAP had merged the questions from its Post-Election Quantitative Voting Survey of local election officials into the EAC's EAVS Section B so that states and localities only had to provide data about UOCAVA voting once, in a single survey. Although the two surveys asked unique questions, there was overlap in the topics covered.

State and local election officials spoke at the Data Summit about the need to address the duplication of questions that existed in Section B after the two surveys were merged. FVAP leadership recognized the need to address the burden Section B was creating for states and localities and requested that the

OVI create a group consisting of state and local election officials to review Section B and determine how it could be streamlined.

The EAVS Section B Working Group members met four times and developed recommendations for improving the EAVS Section B. The recommendations of the working group were provided to FVAP and the EAC at the conclusion of the group's work. The EAC implemented its recommendations in fielding the 2016 EAVS.

## Background

In late 2013, CSG and FVAP entered into a four-year cooperative agreement to improve the research and understanding surrounding the complex nature of the voting process for service members, their families and U.S. citizens living abroad. The EAVS Section B Working Group was created at the behest of FVAP in 2015, drawing on individuals with experience with UOCAVA voting.

The EAVS Section B Working Group is supported by CSG staff members Kamanzi G. Kalisa, director of the OVI; Michelle M. Shafer, OVI election technology senior research adviser; Jared Marcotte, OVI senior technology advisor; and Ann McGeehan, OVI special adviser; with assistance from Fors Marsh Group. The working group convened several in-person meetings since its inaugural meeting in December 2015 at National Harbor, Maryland. Subsequent sessions were held in Carlsbad, California; Lexington, Kentucky; and Williamsburg, Virginia. The working group meetings included presentations by the EAVS Section B Working Group members and staff members from CSG, the EAC, FVAP and Fors Marsh Group. The working group benefitted greatly

## Members of the EAVS Section B Working Group

|                               |  |
|-------------------------------|--|
| <b>LYNN BAILEY</b>            | Supervisor of Elections, Richmond County, Georgia  |
| <b>EDGARDO CORTES</b>         | Commissioner, Virginia Department of Elections   |
| <b>VERONICA DEGRAFFENREID</b> | Elections Preparation & Support Manager, North Carolina State Board of Elections                       |
| <b>KEITH INGRAM</b>           | Director of Elections, Office of the Texas Secretary of State  |
| <b>MICHELE MCNULTY</b>        | Election Administrator Principal, Office of Minnesota Secretary of State                               |
| <b>LAURI EALOM</b>            | Director, Kansas City, Missouri Board of Elections   |
| <b>AARON NEVAREZ</b>          | Intergovernmental Relations Liaison, Office of the Registrar of Voters, Los Angeles County, California |
| <b>NOAH PRAETZ</b>            | Director of Elections, Cook County, Illinois   |
| <b>HILARY RUDY</b>            | Deputy Director of Elections, Colorado   |
| <b>DAVID STAFFORD</b>         | Supervisor of Elections, Escambia County, Florida  |
| <b>RUSSELL TERRY</b>          | Voter Engagement Advocate, Oregon Elections Division   |
| <b>LINDA VON NESSI</b>        | Clerk, Essex County Board of Elections, New Jersey   |
| <b>SANDI WESOLOWSKI</b>       | City Clerk, Franklin, Wisconsin  |

from the efforts of FVAP leadership and staff as well as the EAC commissioners and EAC staff, who were very receptive to the work of the working group and integrated many of the EAVS Section B Working Group recommendations into the 2016 EAVS.

## Surveying Local Jurisdictions About UOCAVA Voters

Through UOCAVA and the Help America Vote Act, FVAP and the EAC have each been tasked by Congress to study the voting experiences of citizens covered by UOCAVA and to collect data from states about ballots transmitted to and received from these voters. Specifically, the UOCAVA statute states:

§20302. State responsibilities (a) In general Each State shall— (11) report data on the number of absentee ballots transmitted and received under subsection (c) and such other data as the Presidential designee [FVAP] determines appropriate in accordance with the standards developed ... under section 20301(b)(11) of this title.<sup>2</sup>

Likewise, the Help America Vote Act, also known as HAVA, states:

Not later than 90 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government which administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Assistance Commission (established under the Help America Vote Act of 2002) on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of such ballots which were returned by such voters and cast in the election, and shall make such report available to the general public.<sup>3</sup>

Both FVAP and the EAC have worked diligently to collect data on this population. Since the 1990s, FVAP had surveyed local election offices to collect information about the voting experiences of UOCAVA voters. As FVAP noted in its 2008 Post-Election Survey of Local Election Officials, the objectives of its survey efforts were: “(1) to gauge participation in the electoral process by citizens covered by UOCAVA, (2) to assess the impact of the FVAP’s efforts to simplify and ease the process of voting absentee, (3) to evaluate other progress made to facilitate voting participation, and (4) to identify any remaining obstacles to voting by these citizens.”<sup>4</sup> FVAP’s survey typically asked about the size of the jurisdiction, the number of ballots—including Federal Write-in Absentee Ballots, or FWABs—received from military personnel and overseas civilians, the number of Federal Post Card Applications, or FPCAs, received, the availability of an electronic transmission service (fax, email, web portals) to the jurisdiction, and the use of various FVAP services, including the Voting Assistance Guide, the Voting Information News newsletter, and the toll-free customer service call center.<sup>5</sup>

The EAC has asked about UOCAVA voting as a part of its EAVS since 2004, focusing on collecting data on the number of ballot requests that were made by voters, the number of ballots that were transmitted to voters, the number of ballots and FWABs that were counted, and the number of ballots and FWABs that were rejected.

The two surveys were also implemented differently. The EAVS is a census; every state—and every jurisdiction in the state—is surveyed, as is required by HAVA. By contrast, the FVAP Post-Election Survey of Local Election Officials was conducted by sampling small, medium and large jurisdictions.<sup>6</sup>

## Combining UOCAVA Data Collection Efforts

FVAP and the EAC combined their questions about UOCAVA voting to lessen the burden on states and localities associated with federal reporting of these data. By asking the questions once, in a single survey, both organizations hoped to obtain higher-quality data and higher compliance with data reporting. The memorandum of understanding between the two agencies required FVAP to provide the EAC with the survey questions that would be added to the EAVS. The EAC was responsible for submitting the revised survey to the federal Office of Management and Budget for review and approval, and to respond to any public comments related to the survey. The EAC then agreed to provide FVAP with Section B data after the survey had been administered.

## EAVS Section B Working Group Efforts

The EAVS Section B Working Group was tasked with reviewing Section B of the EAVS to streamline the questionnaire used in 2014, which included both the original EAC questions and the newly added FVAP questions related to UOCAVA voting. At its first meeting, the working group identified two key issues that needed to be addressed with Section B: (1) there were redundant questions in Section B since the combination of the surveys, and (2) there were issues with the wording of several questions that needed to be addressed. In addition, the working group made general recommendations regarding how the EAVS process could be improved.

## Addressing Redundancy

The version of the EAVS that the EAC fielded in 2014 had been approved by the Office of Management and Budget, or OMB, for use through April 2017. Any changes to the survey, including deleting questions, rewording questions or re-ordering the questions, would require the survey to be reviewed again by OMB, which is a time-consuming process. In addition, the working group members indicated changing the survey would potentially increase burden on the states because many states had already configured their systems and data queries to report data based on the 2014 survey design. For these reasons, the EAVS Section B Working Group recommended that jurisdictions be allowed to skip certain questions that were duplicative. In the 2016 EAVS, these questions were “grayed out” so that jurisdictions could not answer them.

The EAC and FVAP surveys both asked questions pertaining to ballots transmitted, ballots returned and ballots rejected. The questions were asked with different levels of specificity and phrased differently. The EAVS Section B Working Group reviewed the questions to determine which items would provide the best information possible for FVAP and the EAC—as well as for states and localities—to evaluate UOCAVA voting patterns. **Table 1** lists the nine questions that were identified as being appropriate for jurisdictions to skip completely.

In addition, it was recommended that parts of four questions—B24, B27, B29 and B30—should be skipped as well. Starting in 2010, FVAP had asked a series of questions related to when and how ballots were transmitted to voters and when and how voted ballots were returned. In part, these questions were designed to evaluate the effectiveness of the Military and Overseas Voter Empowerment, or MOVE Act provision requiring the option for an electronic ballot to be transmitted to a voter at least 45 days prior to the election and requiring electronic transmission of blank ballots. However, the analysis of the working group was that this series of questions presented real challenges to election officials as not all jurisdictions recorded the date the ballot was mailed. The recommendation from the working group was to consolidate

these questions and gather essential data regarding the number of ballots transmitted to voters and the method of transmission, as well as how many voted ballots were returned to election officials and by what transmission method the voted ballot was returned. It was also determined that many of these MOVE Act related data points best align with CSG's related work on standardizing UOCAVA data.

As a result of this recommendation, 24 sub-item questions could be skipped and the accuracy of the responses improved.

## Improving the Understanding of Each Question

The EAVS—and almost all surveys conducted by federal agencies—have to go through an extensive review by the Office of Management and Budget. Once approved by OMB, a survey cannot be changed without undergoing a new review. The EAC created the EAVS Supplemental Instruction Manual, or SIM, to explain how to complete certain survey items and to provide definitions for certain terms used in the survey. The EAVS Section B Working Group members made recommendations regarding how to change the SIM to clarify the meaning of many survey items. These changes addressed four issues:

**DEFINING UOCAVA STATUS MORE CLEARLY:** The 2014 survey referred to uniformed services voters and overseas citizens without providing a detailed explanation of what each term meant. The working group members recommended addressing this issue by using the language already used in the Federal Post Card Application, or FPCA, to explain how to categorize UOCAVA voters.

**CLARIFYING WHAT “TRANSMIT” MEANS WHEN DISCUSSING “TRANSMITTED BALLOTS”:** The survey refers to transmitted ballots as a way of differentiating between ballots sent to UOCAVA voters by state or local election offices, and FWABs, which are not sent to voters by election offices. It was recommended that the SIM be updated to differentiate between where the ballot originates. Whereas a transmitted ballot originates in an election office and is sent via postal ballot, email, fax or other mode, a FWAB originates with the UOCAVA voter.

**CLARIFYING THE MEANING OF “RETURNED AND SUBMITTED FOR COUNTING”:** The phrase “returned and submitted for counting” suggests that a ballot must meet two criteria to be included in this category. First, the ballot has to be returned by the voter and, second, the ballot has to meet the criteria for being counted. Many states and localities interpreted “returned and submitted for counting” as excluding ballots that were received from voters but had obvious problems, such as not being signed by the voter. Because the EAC and FVAP want data on the total number of ballots returned, regardless of whether the ballot was subsequently counted or rejected, the working group members recommended updating the SIM to make clear that questions with this phrasing are asking about all ballots returned by voters, regardless of whether the ballot was counted or rejected.

**IMPROVING THE OVERALL READABILITY OF THE SIM:** The working group members recommended that the entire SIM be improved for readability. One issue with the SIM is that there were not definitions for all items in the survey. Additionally, the working group members recommended that the SIM be reformatted for greater clarity and reworded so that the document used plain language principles.

## Section B and Standardization of UOCAVA Data

The Section B Working Group conducted its work at the same time as the CSG Technology Working Group's Data Standardization/Performance Metrics Subgroup. The Data Standardization Subgroup considered the benefits that would be achieved from having a single standard for collecting and reporting

UOCAVA-specific voter data at the transaction level—each critical interaction between the voter and state or local election office. The subgroup recognized how the data currently reported in the EAVS Section B—the UOCAVA section of the survey—could be standardized for reporting purposes as part of an EAVS Section B Data Standard.

CSG ensured that the Section B Working Group and the Data Standardization Subgroup worked collaboratively. The Section B Working Group was kept apprised of the Data Standardization Subgroup's efforts and the changes that were made to Section B were incorporated into the data standardization work. The revisions to Section B, coupled with the Section B Data Standard, will allow FVAP to better assess the impact of the MOVE Act requirements—especially those related to electronic ballot delivery and ballot return, as well as the time required to transmit and return a ballot by mail—on the UOCAVA voting population. Additionally, CSG's work on data standardization for Section B will likely prove fruitful for the EAC to consider similar approaches for other sections of the EAVS instrument.

## Outreach Related to the EAVS and the Section B Changes

Because of the changes being made to Section B, and based on their experiences as election officials, EAVS Section B Working Group members recommended that there be greater outreach prior to implementation of the 2016 EAVS. Specifically, they suggested conducting webinars that would (1) orient jurisdictions to the EAVS, explaining why data are collected for specific items; (2) walk jurisdictions through the survey question by question, explaining the changes in the SIM; (3) explain how to use the data entry templates; and (4) allow jurisdictions to ask questions about the EAVS.

## Conclusion

The Council of State Governments created the EAVS Section B Working Group to address a critical problem facing state and local governments—redundancy in the reporting of data related to UOCAVA voters. By bringing together election officials from around the country, CSG successfully facilitated an innovative collaboration between FVAP and local election officials that resulted in a series of recommendations regarding how the EAVS could be improved.

Although the Section B Working Group focused primarily on Section B, they also made recommendations related to other aspects of the EAVS that were intended to improve the overall EAVS product. Because the election officials involved in this project had responded to the EAVS previously, they were able to provide practical, common sense expertise and advice that reflected the interests of the various stakeholders involved in Section B of the EAVS.

CSG and FVAP ensured that the EAC was involved in the Section B Working Group efforts from the start, so that the group's excellent work could be quickly translated into action. Ultimately, the work of the EAVS Section B Working Group resulted in an improved process that will save time and effort for election officials when responding to this portion of the survey and will improve the quality and integrity of the overall EAVS data collected. CSG also expects that this collaboration and the processes entailed will assist the EAC in making adjustments and enhancements to the other sections of the EAVS.

**Table 1: Section B Questions Deleted**

| Question Deleted   | Remaining Questions on Topic   |
|--|--|
| <p>B3. Enter the total number of all UOCAVA ballots (including regular UOCAVA absentee ballots and Federal Write-in Absentee Ballots, or FWABs) returned by UOCAVA voters and submitted for counting for the November 2016 general election.</p> | <p>B8. Enter the total number of all UOCAVA ballots (including regular UOCAVA absentee ballots and FWAB) counted in the November 2016 general election.</p> <p>B13. Enter the total number of UOCAVA ballots (including regular UOCAVA absentee ballots and FWAB) rejected in the November 2016 general election.</p> <p>Summing questions B8 and B13 totals what was question B3.</p>             |
| <p>B4a through B4c. Divide the total number of UOCAVA ballots returned by UOCAVA voters and submitted for counting (as entered in B3) into each category of UOCAVA voter (uniformed services voters, civilian overseas voters, other)</p>        | <p>B9a through B9c. Divide the total number of UOCAVA ballots counted (as entered in B8) into each category of UOCAVA voter (uniformed services voters, civilian overseas voters, other)</p> <p>B15a through B15c. Divide the total number of UOCAVA ballots rejected (as entered in B13a) into each category of UOCAVA voter</p> <p>Summing questions B9 and B15 totals what was question B4.</p> |
| <p>B5a through B5c: Regular UOCAVA absentee ballots returned and submitted for counting.</p>   | <p>B10. How many UOCAVA absentee ballots were counted</p> <p>B16. How many UOCAVA absentee ballots were rejected</p> <p>Summing questions B10 and B16 totals what was question B5.</p>   |
| <p>B6a through B6c: FWAB returned and submitted for counting.</p>  | <p>B12. How many other absentee ballots were counted</p> <p>B18. How many other absentee ballots were counted</p> <p>Summing questions B12 and B18 totals what was question B7.</p>  |
| <p>B7a through B7c: Other type of ballots returned and submitted for counting.</p>   | <p>B12. How many other absentee ballots were counted</p> <p>B18. How many other absentee ballots were counted</p> <p>Summing questions B12 and B18 totals what was question B7.</p>  |
| <p>B23. Enter the date your jurisdiction first started transmitting absentee ballots to UOCAVA voters for the November 2016 election.</p>  | <p>This item was dropped because states typically do not track the date of transmission for UOCAVA ballots.</p>  |
| <p>B24. How many UOCAVA absentee ballots did your jurisdiction transmit to UOCAVA voters using the following modes of transmission, before and after the 45-day deadline?</p>  | <p>The timing component of this question was dropped because states do not track the date of transmission. The question still captures the total number of UOCAVA ballots transmitted by mail, email, and other modes.</p>   |

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| <p>B27. How many UOCAVA absentee ballots were received using the following modes of transmission, before and after the 45-day deadline?</p>   | <p>The timing component of this question was dropped because states do not track the date of transmission. The question still captures the total number of UOCAVA ballots received by mail, email, and other modes.</p> |
| <p>B28: this item asks for the number of UOCAVA absentee ballots that were rejected, divided by the type of UOCAVA voter.</p>   | <p>Because B2 provides the number of ballots returned and B10 provides the number of ballots counted, the number of ballots rejected can be calculated through subtraction.</p>   |
| <p>B29. Of the total number of UOCAVA absentee ballots that were rejected (as reported in B28e), how many were rejected because they were received after the statutory deadline by the following modes of transmission, before and after the 45-day deadline?</p> | <p>The timing component of this question was dropped because states do not track the date of transmission. The question still captures the total number of UOCAVA ballots rejected by mail, email, and other modes.</p> |
| <p>B30. Enter the total number of UOCAVA ballots counted in your jurisdiction by the following modes of transmission, before and after the 45-day deadline.</p>   | <p>The timing component of this question was dropped because states do not track the date of transmission. The question still captures the total number of UOCAVA ballots counted by mail, email, and other modes.</p>  |
| <p>B32. Of the total number of Federal Write-In Absentee Ballots (FWABs) received from UOCAVA voters (as reported in B31e), how many were rejected for the following groups?</p>  | <p>Because B31 provides the number of FWABs returned and B11 provides the number of FWABs counted, the number of FWABs rejected can be calculated through subtraction.</p>  |
| <p>B35. Enter the total number of Federal Write-In Absentee Ballots, or FWABs received from UOCAVA voters that were counted for the following groups.</p>   | <p>This question is duplicative of B11: Of the total UOCAVA ballots counted, how many were FWABs:</p>   |

## Endnotes

<sup>1</sup> Data on uniformed service members can be found at [https://dmdc.osd.mil/appj/dwp/dwp\\_reports.jsp](https://dmdc.osd.mil/appj/dwp/dwp_reports.jsp). Data on overseas citizens can be found at <https://fvap.gov/info/news/2016/9/21/dod-releases-new-estimates-and-survey-of-overseas-voters>.

<sup>2</sup> <https://www.fvap.gov/uploads/FVAP/Policies/uocavalaw.pdf>

<sup>3</sup> <https://www.eac.gov/assets/1/6/HAVA41.PDF>

<sup>4</sup> 2008 Post-Election Survey of Local Election Officials: Statistical Methodology Report [https://www.fvap.gov/uploads/FVAP/Surveys/leo\\_methods18.pdf](https://www.fvap.gov/uploads/FVAP/Surveys/leo_methods18.pdf)

<sup>5</sup> Survey of Local Election Officials: Introduction and Methodology <https://www.fvap.gov/uploads/FVAP/Surveys/leomethod15.pdf>

<sup>6</sup> The 2012 survey sampled 2,500 of 7,303 total voting jurisdictions identified by the Defense Manpower Data Center (DMDC). The sampling took into account the variations in how states define a voting jurisdiction. "For example, the state of Alaska is considered to be one voting jurisdiction, whereas, Michigan, Wisconsin and the New England states define voting jurisdiction by individual townships." The sampling used six categories of jurisdictions, based on the number of UOCAVA ballots jurisdictions transmitted to voters in the 2008 election.

# THE COUNCIL OF STATE GOVERNMENTS

## ABOUT CSG

Established in 1933, The Council of State Governments is the only organization that takes state government to the next level by creating a multibranch, nonpartisan community. Because of this community, we are able to identify and share best practices and take on the critical challenges of the future in an unparalleled fashion. We conduct research, create forums for innovation and, through our community, ensure the states continue to be recognized as the laboratories of democracy. Governors, legislators, justices, appointed officials and agency directors—our community is composed of officials from all three branches of government from every state and territory in the U.S. Several Canadian provinces also participate in the CSG community through affiliations with CSG regional offices. CSG expertise includes affiliate organizations with specialized knowledge and the CSG Justice Center. Government affairs professionals from Fortune 500 companies, professional associations and nonprofit groups participate in the community through the CSG Associates program.

## ABOUT OVI

Many active duty military personnel are located in remote areas abroad and have limited access to state voting information and, in some cases, their ballot. U.S. citizens living overseas also have unique challenges in exercising their right to vote. These challenges are complicated by extreme variation in how states conduct elections and how absentee ballots are processed.

In September 2013, CSG launched a four-year, \$3.2 million initiative with the U.S. Department of Defense Federal Voting Assistance Program or FVAP, to improve the return rate of overseas absentee ballots from service members and U.S. citizens abroad.

As part of this effort, CSG's Overseas Voting Initiative maintains two separate advisory working groups. The CSG Policy Working Group is examining military and overseas voting recommendations from the Presidential Commission on Election Administration, as well as other successful programs and practices across the country. The CSG Technology Working Group is exploring issues such as performance metrics and data standardization for incorporation into state and local elections administration policies and practices for overseas ballots. Through the initiative, CSG will provide state policymakers and state and local election officials with best practice guides to ensure the men and women of the U.S. military and Americans living overseas are able to enjoy the same right to vote as citizens living in the United States.

## CONTACT

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