

LAW REVIEW 759

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7.0: Military Voting Rights

Get In the Vote

GAO issues scathing report on voting woes for military members.

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The Government Accountability Office (GAO), the investigative arm of Congress, on June 14 issued a report lambasting the efforts of the Department of Defense (DoD) and the Election Assistance Commission in administering the Uniformed and Overseas Citizens Absentee Voting Act and facilitating the enfranchisement of members of the armed forces, their family members, and American citizens residing abroad. The report, GAO-07-774, is titled "Elections: Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens" and is available on GAO's website, www.gao.gov.

In most places, absentee voting is still conducted in much the same way it was during World War II, by shipping pieces of paper across oceans and continents. There are three time-consuming steps in absentee voting. First, the absentee ballot request must travel from the voter to the election official back home. Second, the unmarked absentee ballot must travel from the election official to the voter. Finally, the marked absentee ballot must travel from the voter back to the hometown election official. Each of these steps can take weeks by mail, but only seconds if secure electronic means were authorized. It should be noted that the military voter, particularly, frequently deploys to a crisis point or redeploy to the United States, often on short notice, making it most difficult to deliver the unmarked absentee ballot.

In recent years, Congress has recognized that the only real solution, especially for the deployed servicemember, is electronic voting and has directed DoD to conduct demonstration projects moving toward that goal. The GAO report criticized DoD's 2000, 2004, and 2006 projects for a lack of safeguards GAO considers necessary and for late implementation—just two months in advance of elections in both 2004 and 2006, leading to low participation rates among military voters and local election officials.

Noting that the Fiscal Year 2005 Ronald W. Reagan National Defense Authorization Act permitted DoD to delay implementation of the Internet-based absentee voting demonstration project until the first federal election after the Election Assistance Commission developed guidelines for the project, the report stated that "the Election Assistance Commission has not developed the Internet absentee voting guidelines for DoD's use, and thus DoD has not proceeded with its Internet-based absentee voting demonstration project. Commission officials told GAO that they had not developed the guidelines because they had been devoting constrained resources to other priorities, including challenges associated with electronic voting machines. Furthermore, they have not established—in conjunction with major stakeholders like DoD—tasks, milestones, and timeframes for completing the guidelines.... DoD officials stated that, even if the Internet absentee voting guidelines had been available at the time of our review, the time remaining before the 2008 federal election would be inadequate for developing the secure, Internet-based demonstration project."

This might mean that at least one more presidential election will go by before deployed servicemembers have a reasonable opportunity to vote with confidence that their ballots will count. In the military, classified information is routinely transmitted by secure electronic means. In commerce, billions of dollars are transmitted electronically every day. If electronic means are secure enough for our nation's most sensitive secrets and for huge sums of money, why is it not possible to develop and implement a system for deployed servicemembers to vote by secure electronic means?