



It's in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting

**Dr. Claire M. Smith,
Research Director
Overseas Vote Foundation
claire@overseasvotefoundation.org**

Abstract

One of modern democracy's biggest challenges is the overseas voter. Current estimates indicate that there are 4 to 6 million Americans permanently or temporarily living abroad. Congress has passed several key pieces of federal legislation to facilitate overseas voting including the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in 1986 and the Help America Vote Act (HAVA) of 2002. This paper investigates the successfulness of these public policy initiatives in reaching overseas voters. Has overseas voting increased as a result of these legislative initiatives? What barriers still exist? What policy changes can be made to promote voting? This paper is divided into three sections. First, in order to capture the variance in state UOCAVA policy, I create an index operationalizing state legislation on overseas voting issues, such as electronic transmission of voting materials. Second, I adapt the variables used in traditional voter turnout studies to create hypotheses, and use data from the Overseas Vote Foundation (OVF) Post-Election Survey to test the hypotheses and identify variables that hinder successful voting. The results demonstrate that variable deadlines combined with postal problems often hamper voters. Furthermore, the impacts of policy are weak and outreach programs remain vitally important. Finally, I interpret these results in order to provide a better direction for future policy changes.

Paper prepared for presentation at the American Political Science Association, Toronto, Canada, Sept. 3 – 6, 2009.

Nothing reflects the increase in globalization more than the rising numbers of Americans living abroad. Either due to military obligations, as members of the international workforce, as students, or by choice, anywhere between 4 to 6 million Americans live overseas. This has created one of modern democracy's greatest challenges: the overseas voter. In response to the unique problems that voters abroad face, Congress has passed several key pieces of federal legislation, such as the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) in 1986 and the Help America Vote Act (HAVA) in 2002. Although federal legislation has provided the States with guidelines, they have also been granted a lot of leeway when implementing policy. As a result a myriad of regulations have emerged. Despite national and state level efforts, in May 2009 Gail McGinn, the acting Under Secretary of Defense for Personnel and Readiness, reported to the US Committee on House Administration the following information regarding the 2008 election:

“Preliminary data from a forthcoming report on the 2008 election from the Congressional Research Service found that 72 percent of military absentee voters in the seven-state study successfully returned their ballot and had their votes counted. That is the good news. The bad news is that 28 percent of ballots were described as not returned (approximately 22%), rejected (approximately 3%) or returned as undeliverable (approximately 3%) by election officials from the seven states.”¹

Furthermore, the Election Assistance Commission reported in 2006 that 23% of military and overseas ballots of those ballots returned were rejected because they arrived too late (Election Assistance Commission 2007a, 19; hereafter EAC). In its 2008 Post-Election Survey, Overseas Vote Foundation found more than half (52%) of those who tried but could not vote, were unable to do so because their ballots were late or never arrived (Overseas Vote Foundation 2009a, 5; hereafter OVF). In light of these statistics, policy makers and activists continue to develop and fine tune policy. For example, the Michigan Secretary of State Department is currently working

¹ See Gail McGinn, acting Under Secretary of Defense for Personnel and Readiness, Testimony before the U.S. Committee on House Administration, *Military and Overseas Voting: Obstacles and Potential Solutions*, May 21, 2009, available at http://cha.house.gov/UserFiles/220_testimony.pdf.

with the State Legislature on a bill that would permit Michigan’s city and township clerks to electronically transmit blank ballots to overseas voters. HR 1739 in the US House of Representatives proposes amending UOCAVA to prohibit States from, “refusing to accept balloting materials solely because the materials are generated through the use of a computer program, are not printed on a specific type of paper, or do not otherwise meet similar extraneous requirements which are not clearly necessary to prevent fraud in the conduct of elections, and for other purposes.”²

All of this legislative movement begs the question, does policy matter? Unfortunately, the research on overseas voters is thin and provides little direction (Hall 2008). As the statistics above demonstrate, much of the current UOCAVA literature attempts to document the frequency and nature of the problems confronted by voters (such as reports by the US General Accounting Office, hereafter GAO). Additional studies explore pilot programs or make policy proposals.³ Unfortunately, none of these inquiries into UOCAVA legislation systematically develop and test hypotheses regarding the effects of public policy.

On the other hand, there is a large literature examining the impacts of regulations such as voter registration, voting-by-mail (VBM) and early voting. These studies do not consider voters covered by UOCAVA, but can guide an investigation into UOCAVA laws. As discussed below, the variables that influence traditional voters (for example, poll workers, lines, registration requirements) can be adapted to those faced by overseas and military voters. The first step is to recognize that, for these citizens, the act of casting a ballot does not take place in a voting booth,

² United States. Cong. House. 2009. 111th Congress, 1st Session. HR 1739, *available at* http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1739ih.txt.pdf

³ See for example “Registering Military and Overseas Citizens to Vote” (Skaggs 2009), “A Threat Analysis of UOCAVA Voting Systems” (Regenscheid and Hastings 2008), and “Voting Over the Internet Pilot Project Assessment Report” (Federal Voting Assistance Program 2001; hereafter FVAP).

but rather at home. The rules that govern the request, delivery and return of a ballot are complex and can lead to both success and failure.

This paper brings together the literature on UOCAVA voters, voting regulations such as registration and early voting, as well as voter satisfaction, in order to investigate the successfulness of public policy initiatives in the United States in reaching overseas voters. Has overseas voting increased as a result of this legislation? What barriers still exist? What policy changes can be made to promote voting? This paper is divided into three sections. First I investigate the variation of UOCAVA policies in the states by creating an index and ranking of state legislation. Second, I explore the impact of legislation by examining both survey and aggregate level data. Third, I take a closer look at intervening variables, such as voter outreach programs, and alternative explanations for UOCAVA voter turnout. Finally, I make recommendations for future research and the direction of policy development.

UOCAVA Voters and their Voting Process

The history of absentee and military voting stretches back to the Civil War. At that time, many states excluded absentee voters. Although several states created legislation to promote voting by soldiers stationed out-of-state, there was no comprehensive national legislation, and state barriers to absentee voting persisted through the 1940s (Inbody 2009). The first important piece of federal legislation was the Soldier Voting Act of 1942. Because little information was available about the impact of legislation and the turnout of voters, President Truman commissioned a report by the American Political Science Association (APSA). The Federal Voting Assistance Act of 1955 was passed as a result of the APSA report, and, for the first time, provided support of civilian employees living abroad as well as military personnel.

Congress updated legislation in 1975 (the Overseas Citizens Voting Rights Act) and in 1986 enacted the current law, the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). UOCAVA covers the following citizens:

1. all military voters who, by reason of active duty or service is from the jurisdiction of their legal voting residence, including those based in the United States or abroad,
2. their family members,
3. individuals residing outside the United States and qualified to vote in the last place in which they were domiciled before leaving the United States.

Identifying and counting the number of individuals covered by this definition is not simple. The US Census Bureau Census included approximately 580,000 federal employees and dependents (226,363 military personnel, 30,576 civilian employees, and 319,428 dependents of military and civilian employees) in their 2000 apportionments (U.S. Census Bureau 2001). The Department of Defense Personnel and Procurement Statistics reported that 283,589 military personnel and 42,992 civilian employees worked abroad as of December 2008 (Department of Defense 2009).⁴ McDonald (2009) estimates that there are a total of 4,972,217 eligible UOCAVA voters.⁵ According to these estimates, and as seen in Figure 1 below, overseas voters are not concentrated in one specific region, but are distributed throughout all fifty states. The highest population comes from Texas, with 549,219 voters, and the lowest from Vermont, with 10,546 voters. As for the number of domestic US voters, the Defense Manpower Data Center (DMDC) 2006 survey reported that 7 percent of the total military voted in person. That is approximately 94,000 military voters who voted in person. Furthermore, the DMDC said that 22

⁴ For more information regarding the problems involved in counting UOCAVA voters see Smith (2009).

⁵ To arrive at this total, he first takes the number of deployed military personnel as reported by the Department of Defense. He then deflated the civilian numbers by 25%, which he did because this number corresponds to the proportion of minors among the United States resident citizen population. The McDonald estimates refer to the “voting eligible” population only.

percent of the military voted overall, which means about 15 percent of those voters did so by absentee ballot. As seen below in figure 1, UOCAVA voters are registered all across the US.

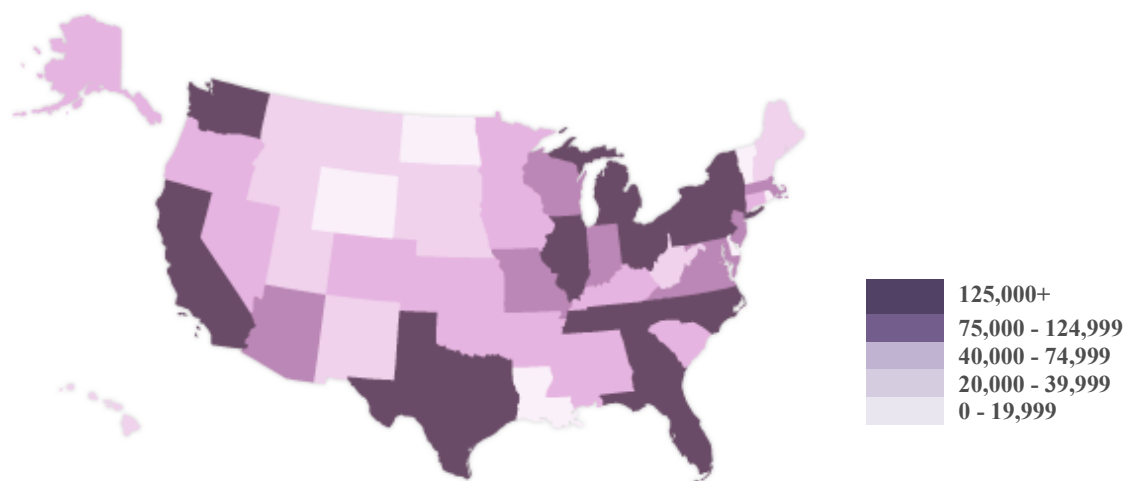


Figure 1: 2008 Overseas Voter Eligible Population by State

Who are UOCAVA voters? In its 2008 Post-Election UOCAVA Voter Survey, OVF found that 41 percent of respondents have lived overseas for more than 10 years (compared to 56 percent in 2006, and 46 percent in 2004). The second largest group of respondents has lived overseas for between 5 and 10 years (17 percent). 76 percent of the respondents had higher education degrees (i.e. a BA, MA, PhD, or Post Doctorate), and 16.9 percent of the respondents were under the age of 30. The primary reasons for living overseas were “marriage/partnership” (29 percent), “employment” (24 percent), and “personal preference” (15.3 percent). These demographics are similar to EAC voter survey results, which also found that UOCAVA voters tend to be older and have a higher level of formal education (EAC 2007b, 11)

For UOCAVA voters, the voting process is comprised of four parts, each of which is regulated. First a voter must register and/or request a ballot by filling out and sending in the proper paperwork to the appropriate local election official (LEO) in the US. The Federal Post Card Application (FPCA) is the official federal government name given to the voter registration

form used by voters eligible to vote under UOCAVA, and is the primary form for requesting registration and/or an absentee ballot from election officials. Some states, but not all, allow this form to be sent via fax and/or email. A few states still require citizens to either sign a state oath or provide additional forms of identification when registering to vote. Most, if not all, states require an original signature on file, or a signed original FPCA to send a ballot.

Second, the local election official (LEO) processes the request. If the voter has entered all of the correct information and submitted the form before the applicable deadline, then the LEO will send the voter a ballot. In 2008, 37 states and the District of Columbia permitted UOCAVA voters to receive the blank ballot via fax and 20 states allowed the delivery of the blank ballot via email.

Third, once the voter receives the ballot, she fills it out and mails it back to the US. In 2008, 26 states and the District of Columbia permitted the return of voted ballots via fax and 12 states allowed the return of the ballot via email. Traditional postal service remains, however, the predominant form of ballot return (OVF 2009a, 21). In addition to receiving the faxed or emailed ballot, most, if not all, states require an original signed ballot envelope or ballot affirmation in order to count the ballot.

Finally, the election official receives and counts the completed ballot. Should a voter not get a ballot, she has the option of using a Federal Write-in Absentee Ballot (FWAB). The FWAB is an alternative, downloadable ballot, accepted by all states and territories, which can be used in federal elections.

The UOCAVA voting process is summarized below in Figure 2. The various steps can be extremely time-consuming and the process of voting can take anywhere from two weeks to two and a half months to complete (PEW 2009, 40). As a result of this lengthy process and

traditional mailing methods, the number one reason UOCAVA voters continue to have problems is because they miss deadlines or do not receive their ballots on time (OVF 2009a, 5).

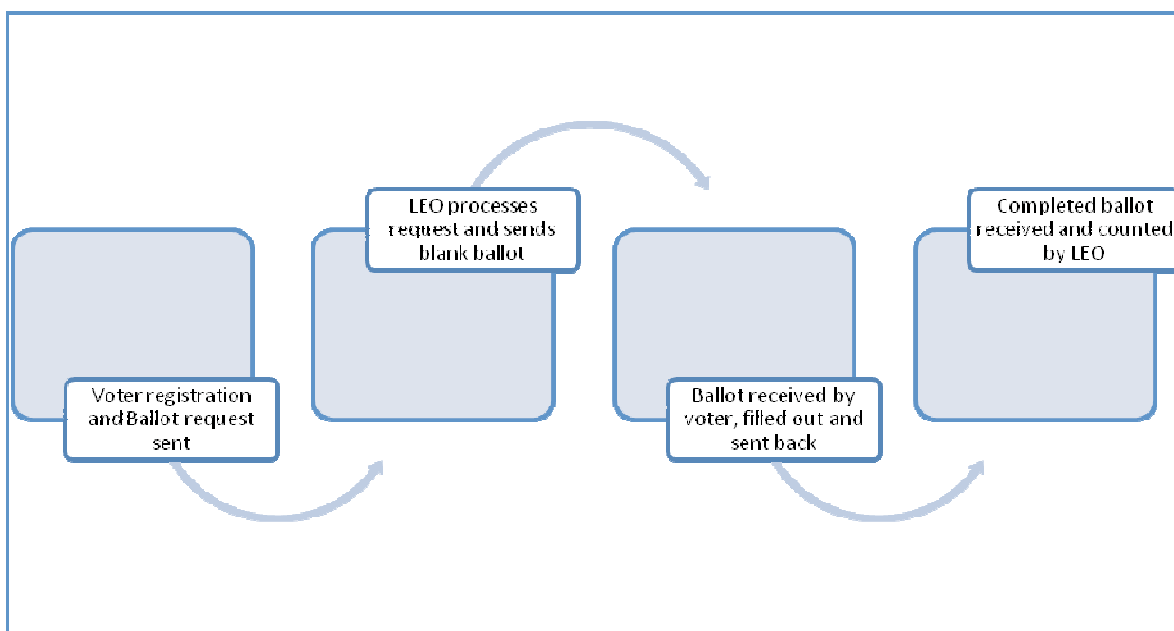


Figure 2: UOCAVA Voting Cycle

Throughout this process UOCAVA voters can encounter many problems. Election officials can reject a voter’s registration, ballot request and ballot. Often voters are not aware that their requests or ballots have been rejected. A 2001 GAO report indicates that the variety of state and local requirements, lack of feedback from election officials and time constraints worried voters the most (GAO 2001, 3). In 2007 the EAC conducted a survey in order to investigate the UOCAVA voting experience, as well as attitudes towards electronic voting methods. In their analysis of the EAC data, Cain, MacDonald and Murakami (2008) found that overseas civilians found it more difficult to register than military voters. All voters voiced concerns about getting their ballots on time. These concerns are well founded as election officials have reported “missed deadlines” as the number one reason for ballot request and ballot rejection (OVF 2009a, 30, 31).

The Voting Environment: UOCAVA Policy in the US States

As discussed above, although UOCAVA provided federal guidelines for the states, every state creates its own legislation regulating each step of the voting process. Despite their complexity, legislation for Americans living abroad can be divided into two primary dimensions, registration and balloting. Some of these initiatives make it easier for voters to participate (such as allowing a ballot to be sent via fax), whereas others create barriers to voting (for example ballot notarization and/or witness requirements). Using this assumption, the legislative dimensions can be divided into four fields, which are summarized below in Figure 3.

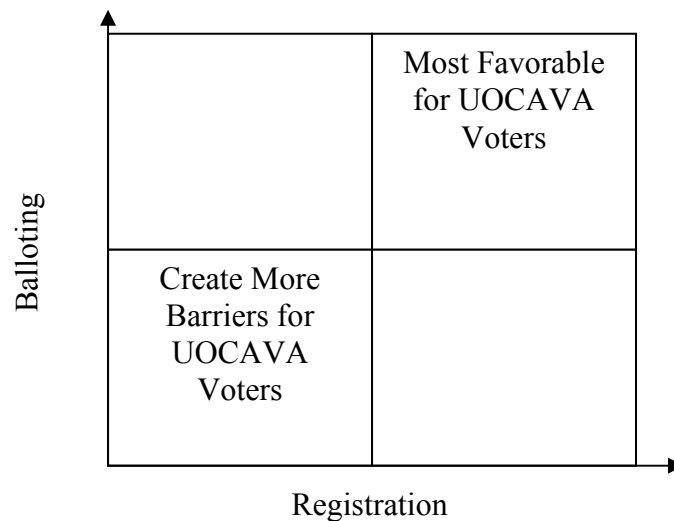


Figure 3: Dimensions of UOCAVA Policy

As indicated in Figure 3, some policies make the voting process easier and some more difficult and therefore these policy dimensions can be measured. By measuring the restrictiveness of voting legislation (i.e. does a policy make it easier to vote), it is possible to create a UOCAVA State Policy Index. As Gerken argues, data is the key to understanding voting problems and identifying viable solutions (Gerken 2009). Creating a UOCAVA State Policy Index is helpful in many ways; especially in determining the breadth of state policies and as a tool for quantitative research and large N statistical analysis. It is important to note that the

index developed below only examines legislation and is not a ranking of outcomes; the index is a tool that can be used to explain outcomes.

Two current measures provide guidance in the development of a UOCAVA policy index. The Center for Democracy and Election Management (CDEM) at American University recently examined the progress states have made in implementing the recommendations of the Carter-Baker Commission on Federal Election Reform in 2005. In their analysis, CDEM included UOCAVA state regulations. CDEM focuses on two primary facets of UOCAVA policy: the time that individuals have to vote and the use of electronic methods. They develop a five point coding scale for states, which aggregates these two policies into one measure. The CDEM scale defines “5” as the best possible score, which represents “Electronic transmission of ballots to voters, regular ballots available at least 45 days before an election; ballots may be returned up to 10 days or more after an election.” A “1” is the lowest score and indicates “No electronic transmissions allowed, regular ballots sent less than 30 days before an election, ballots must be returned prior to Election Day” (CDEM 2009, 23). Within this paradigm, Wisconsin is the “best” state and Alabama the “worst.”

Unfortunately, many states provide electronic transmission options to military voters, but not to civilian counterparts. These types of policies create barriers for more than half of the UOCAVA voting population, and the CDEM scale does not take these inconsistencies into account. It also does not consider other policies that may negatively impact voters such as notarization requirements or residency requirements for non-domiciled voters.

In its “No Time to Vote Study,” the PEW Center on the States analyzes the amount of time it takes to complete the UOCAVA voting process and compares this to state regulations such as registration deadlines, ballot transmission times, and voting deadlines. The authors adjust this base number according to the electronic transmission opportunities that a state

provides and create a measure of “days available to vote.” According to their measures, the “best” state, New Mexico, provides 46 extra days to vote, whereas citizens from the “worst” state, Oklahoma, have do not have enough time to vote and in fact would need an *extra* 26 days to vote. The pressure felt both voters and election officials due to time constraints is not new, and confirms the observations made by the GAO in 2001 (GAO 2001, 13,14). Unfortunately, the PEW measurement only includes the “time to vote” for military voters and not civilians. Furthermore, as in the case of the CDEM scale, the PEW index does not take into account other elements of policy that may impact a citizen’s ability to vote successfully, such as notarization and signature requirements.

When reviewing different voting procedures, I identified eight registration laws and eight balloting regulations that comprise the core of UOCAVA legislation. These 16 different requirements are at the heart of the recommendations that the FVAP and EAC have made to the US States since 2004. In its biannual Voting Assistance Guide (VAG), the FVAP compiles absentee voting regulations, laws and deadlines and is the primary source of information for UOCAVA voters regarding procedures. I used the information within the VAG from 2004, 2006 and 2008 to code UOCAVA policies from those years.⁶ The 16 essential policies that are coded to create the UOCAVA Registration Score and UOCAVA Balloting Score are summarized below in table 1.

⁶ Unfortunately, the VAG is often inaccurate and incomplete. As a control, I compared the 2008 VAG with OVF’s state specific information tables. Where there were inconsistencies, I contacted the state directly or download the state’s election code in order to determine what is correct. In order to create the 2004 and 2006 index, I only consulted the VAG’s for each specific year. As the VAG is the primary source of information for voters, the information contained within reflects the conventional wisdom at that time and is an accurate reflection of the institutional voting environment.

TABLE 1: UOCAVA INDEX POLICIES

Policy	Impact on Voter
REGISTRATION	
Identification or signature requirements	hinder voters who are either not aware of these rules or do not have access to another American voter as a witness
Registration waived or same day registration	makes voting easier by eliminating a step in the voting process and reducing the time it takes to vote
Registration and/or ballot request by fax	makes voting easier by reducing the time it takes to vote
Registration and/or ballot request by email	makes voting easier by reducing the time it takes to vote
Hard copy requirements	prevent the successful completion of the registration and ballot request process if voters are not aware of the requirement, and thus denied registration because they do not submit a hardcopy after a fax and/or email
Citizens born overseas have the right to vote	Americans born abroad but never established residency in the US are only allowed to vote in States that permit registration via their parent's last address; however only 16 states currently permit this
BALLOTING	
Ballot transmission time	States that do not send out ballots on time do not allow voters enough time to return them; 45 days is the recommended minimum ⁷
Notarization or witness requirements	hinder voters who are either not aware of these rules or do not have access to another American voter as a witness or a notary
Transmission of blank ballot by fax and/or email allowed	makes voting easier by reducing the time it takes to vote
Return of voted ballot by fax and/or email allowed	makes voting easier by reducing the time it takes to vote; however a voter must often waive her right to privacy
Hard copy requirements	prevent the successful completion of the registration and ballot request process if voters are not aware of the requirement, and thus their voted ballot is rejected because they do not submit a hardcopy after a fax and/or email
Expanded use of the FWAB	Can promote successful voting by providing citizens with options should a ballot not arrive on time

Theoretically, each step in the voting process is equally important, and in order to implement fairness and consistency in my coding criteria, I weight each legislative requirement equally.⁸ Policies that are less favorable for voters by making it more difficult to vote by

⁷ Some activist groups favor a 60 day transit minimum, as it provides the majority of voters enough time to vote. However, 45 days has been the consistent recommendation for 15 years and therefore I use it as the coding standard for this study.

⁸ There is some debate about if the use of email and fax are of equal caliber. Email is more reliable and widely available than fax, however, more states use fax than email. Because there is not enough data to create a systematic, fair weighting system, I have coded these variables in the same manner.

creating barriers or complicating the process start at the null point. Policies that make it easier for voters to participate receive more points. For example, a state that does not allow ballot requests to be sent by fax receives a “zero.” States that allow faxing from certain segments of the population, such as military voters, but not to the entire UOCAVA population receive a “.5”. States that allow the entire UOCAVA population to fax in ballot requests are given a “1.” All of the coding criteria are summarized in Appendix 1.⁹

Essential to my coding scheme is the idea that a policy facilitates a voter’s ability to submit a ballot accurately and on time. Therefore I code the submission of completed ballots via email and fax positively, i.e. a state receives a 1 if it is allowed and a 0 if it is not. This is different from the Center for Democracy and Election Management, who argue that ballots sent via fax and email take away an individual’s voting privacy and therefore the risk of compromising confidentiality is too great. Therefore, the CDEM scale subtracts points from states that allow completed ballots to be sent back via fax or email. Many election integrity and computer science experts would present strong arguments about security risks in sending voted ballots by unsecured email. I am purely grading the “facility” of the electronic option.

I combined the 2008 UOCAVA Registration and Balloting scores together to create the **2008 UOCAVA State Policy Index**, which is summarized in Appendix 2. The minimum score for 2008 is 2 and the maximum is 14. The mean is 8.14 and the index has a standard deviation of 2.536. **As of November 4, 2008** the top five states are: Iowa, Colorado, New Mexico, South Carolina and Kansas. The bottom five states are: Alabama, Wyoming, Arkansas, New York and Nevada. As seen in the scatter plot below in figure 4, there is a large variance in policy among the States.

⁹ American Samoa, Guam, Puerto Rico, and the Virgin Islands are also covered by UOCAVA. However, because of missing data, both on the dependent and independent variables, they are removed from this analysis.

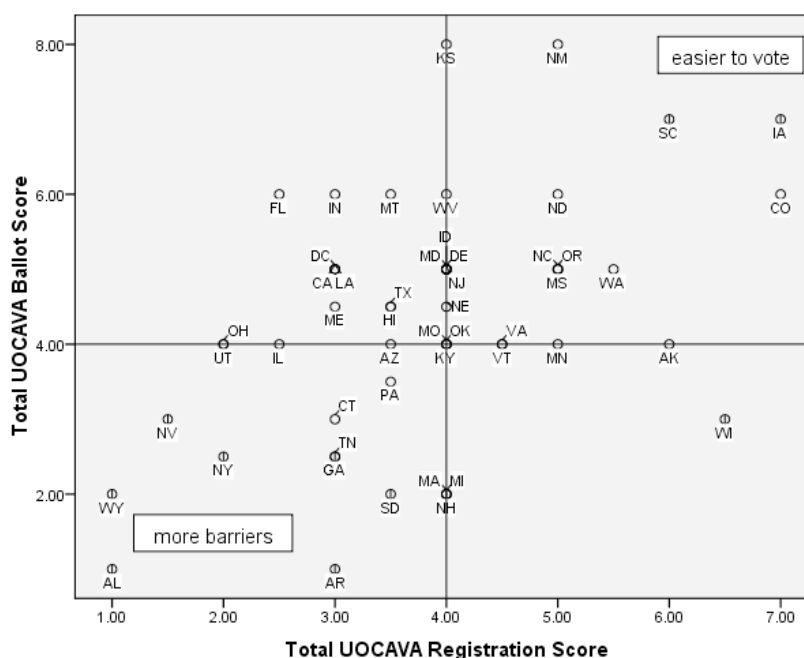


Figure 4: Scatter Plot of 2008 Balloting and Registration Scores

Although these policies fit together theoretically, it is important to statistically confirm the internal consistency of the scale. In order to determine the validity and reliability of the index, I conducted several tests. First, a Cronbach Alpha for all variables is .607. A factor analysis of all 16 regulations extracted several different components, but the first three explained approximately 60% of the variance in the scale. The predominant components extracted coincide with electronic transmission methods, identification requirements and citizens born overseas. Second, I compared the index to the PEW “No Time to Vote” study. The PEW index is highly correlated with the UOCAVA index (.648, significant at the .01 level). These statistics confirm that the concepts contained within the scale belong together and conform to other measures of state policy.

Appendix 3 summarizes UOCAVA State Policy Scores for 2004 and 2006. Between 2004 and 2006 many states changed very little or not at all, indicating that state policy is static and difficult to change. By 2008, voting policies in several states, such as Iowa and Alaska, had

changed dramatically, but others, such as Alabama, had not changed at all. These differences are easier to observe in the scatter plot below (figure 5) of 2004 state UOCAVA policy. Here it is apparent that the majority of policy movement has taken place along the registration dimension.

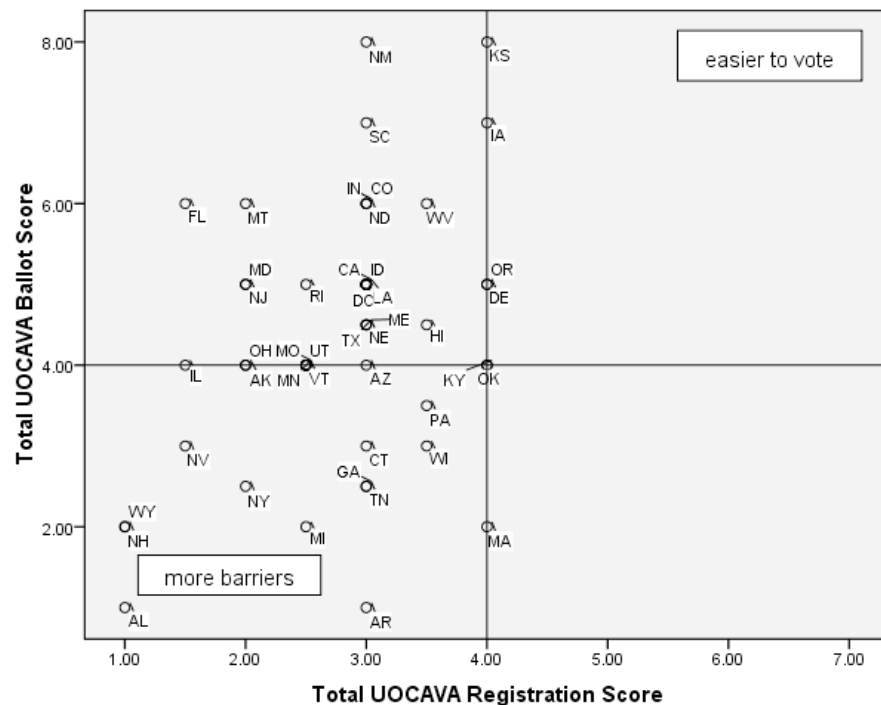


Figure 5: Scatter Plot of 2004 Balloting and Registration Scores

While much has been on the state level to introduce voter friendly policies, there is still a lot of work to be done. In July 2009 the Uniform Law Commission (ULC) proposed a new set of policies. Their recommendations include: electronic transmission of voter registration, absentee ballot application, and blank (un)voted ballots; increased use of the FWAB in elections on all levels; tracking and confirmation of applications and ballots; and elimination of state witness and notary requirements.

Policy's Reach: Developing Hypotheses

Although studies regarding UOCAVA and UOCAVA voters do not test the effects of legislation, there is a wide literature on voter turnout and registration that provides clues to the

impacts of public policy. Several theories attempt to explain voter turnout; the reasons why some Americans go to the polls while others decide to stay home on Election Day. These studies can be divided into those that rely on individual socioeconomic variables such as race, gender and education (Verba, Schlozman and Brady 1995, Wolfinger and Rosenstone 1980), those that emphasize institutional variables in explaining turnout (Powell 1986), and those that combine the two approaches (Timpone 1998). In comparative studies, aggregate level analysis has identified several institutional variables that impact turnout such as the electoral system, compulsory voting and the presence of concurrent elections (Geys 2006).

Registration requirements are the primary institutional variable often blamed for the United States' comparatively low level of voter turnout. The influence of voter registration laws on turnout continues to be debated; some believe that the effect is small and mediated by education. Furthermore, although turnout is higher in states with Election-Day registration, "registration laws do inhibit the turnout of the residentially mobile" (Highton 1997, 568, 573). In their analysis of the impact of the National Voter Registration Act of 1993 (NVRA, also known as the "Motor Voter Bill"), Rugeley and Jackson (2009) found that legislation had only a small impact on reducing the income skew of the electorate, i.e. the registered electorate still under-represents voters from lower income groups.

Within the balloting dimension of voting, voting-by-mail (VBM) has received a lot of attention from researchers. Oregon was the first state to introduce an all postal voting election system in 1998. Berinsky, Burns and Traugott (2001) found that VBM increased turnout in Oregon via the retention of experienced voters and not by incorporating non-voters. Other studies of VBM in Oregon found that this voting policy not only does not improve the representativeness of the electorate, but may actually increase the skewed participation of white, educated, high-income voters (Southwell and Burchett 2000, Karp and Banducci 2000).

Furthermore, neither political party appears to have profited from VBM nor do traditional voting patterns appear to have changed (Southwell 2004, Hanmer and Traugott 2004). These findings appear to hold in California as well, where VBM voters turned out at lower rates (Kousser and Mullin 2007).

Early voting laws allow individuals to vote up to three weeks before an election, and currently exist in fourteen states. Early voting appears popular and is used widely where available (Berinsky 2005, 474). However, studies of early voting do not find evidence of an increase in the representativeness of the electorate (480, 481). In sum, legislative reforms do not appear to have increased the representativeness of the electorate nor dramatically increased turnout (Gronke, Galanes-Rosenbaum and Miller 2008). Has this also been the case with UOCAVA reforms?

There are several problems when applying the theories of previous studies to UOCAVA voters. First, turnout among UOCAVA voters cannot be explained in traditional terms. The problem for UOCAVA voters is that they face the possibility of rejection at the registration/ballot request stage and at the balloting stage without the voter realizing a ‘rejection’ has occurred. Thus, a key indicator of participation is not an increase in turnout but rather a decrease in rejection rates. Second, registration requirements for UOCAVA voters differ from voters living near their polling place, meaning that policy indicators must include more than just a registration deadline.

Have individuals been able to successfully complete the voting procedure? As argued above, states with favorable UOCAVA policies make the voting process simpler and also make it easier for the voter to understand the process. With less confusion, voters can fill in their forms accurately, which leads to higher ballot acceptance rates. Because voters from UOCAVA

friendly states are able to navigate the request and balloting process more efficiently, we can also expect higher ballot return rates.

Hypothesis 1: States with more favorable policies have higher ballot return and ballot acceptance rates.

Beyond the aggregate analysis called for in this first hypothesis, there is also an individual dimension to previous studies. For example, many elements have been found to influence confidence and satisfaction, such as the interaction between voters and poll workers (Hall, Monson and Patterson 2008). However, UOCAVA voters are not subject to these types of interactions; the act of voting may, literally, take place in their living room. It is the voter's experience with regulations and paper work that is the key to understanding satisfaction. Previous studies have found that military voters were more satisfied with the UOCAVA voting experience than overseas civilians (Cain, MacDonald and Murakami 2008, 808). Also, those who got their ballot electronically were more satisfied with the process than those who did not (808). Thus, policies can also facilitate voter satisfaction. The easier that the voting process is, the more voters will be more pleased with their voting experiences.

Hypothesis 2: States with more favorable policies have more satisfied voters.

Data and Methodology

The hypotheses involve two dependent variables: ballot acceptance rates and voter satisfaction. The operationalization of these variables calls for both aggregate level data as well as micro-level survey data. Since 2004, the EAC supplies aggregate data on the number of UOCAVA ballots in federal elections, whereas the OVF Post-Election Survey Data provides individual level information regarding voter satisfaction.

Ballot Requests and Rejection Rates: Aggregate Level Data

According to HAVA, the EAC is required to collect information regarding ballots. Data on the number of UOCAVA ballots is currently available for 2004 and 2006. As of publication, the EAC has completed its 2008 UOCAVA survey and is presently analyzing its findings.

The EAC conducted its first UOCAVA election official survey after the 2004 federal election. The EAC emailed the Secretaries of State and State Election Directors in the fifty States, the District of Columbia and four U.S. jurisdictions, the 10-question UOCAVA survey. In its March 2006 report on the 2004 election, the EAC did not indicate the compliance rate. In her review of the 2006 EAC survey, Gerken found that “many states failed to report all the data requested, and it is hard to draw state-by-state comparisons in many categories because of the inconsistencies in reporting practices” (Gerken 2009, 49). By downloading the data summary from the EAC website, I found that only 2,920 jurisdictions participated (although not to all questions), and 19 states did not respond at all (EAC 2006).

In September 2007, the EAC released the results of its 2006 survey. Instead of administering a separate UOCAVA survey, the EAC combined the survey with its other post-election surveys. Also new in 2006, the EAC used a web-based survey in which each respondent received a login. They had a total response rate of about 65 percent or about 2,029 jurisdictions out of 3,123 (EAC 2007a, 6).

The EAC asked election officials only six questions regarding UOCAVA ballots in 2006: ballots cast, ballots counted, ballots requested, ballot sent out, FWAB ballots received, and Military and Overseas Absentee Ballots rejected.¹⁰ The data is usually “rolled up” from the jurisdictions to the state level. Unfortunately, as mentioned above, not all of the respondents

¹⁰ According to the EAC, the number of ballots cast, “refers to ballots that have been submitted manually or electronically by a voter regardless of whether they are ultimately counted.” The number of ballots counted, “refers to all ballots that have been cast, processed, and counted.” See EAC (2007) for more on the methodology of the UOCAVA aggregate survey.

answered all of the questions. In addition, because there was no separate category created for “Ballots Returned Unused Undeliverable”, they were erroneously added to the “Rejected” category; this caused a major skew in the data and its analysis.

The dependent variable “ballot acceptance rate” is calculated from the EAC data by dividing the number of ballots return by the number of ballots counted. “Ballot return rate” is calculated by dividing the number of ballots returned by the number of ballots requested.

I have included a number of other independent variables in the aggregate level analyses: state legislative professionalism, the size of the state bureaucracy, the competitiveness of political parties within the state and overall voter turnout.¹¹ I expect a positive relationship between these variables and ballot return and acceptance. That is, as state professionalism, bureaucracy, competitiveness and turnout increase, UOCAVA ballot return and acceptance rates also increase.

Voter Satisfaction: Surveys of UOCAVA Voters

Since its inception in 2004, OVF has collected survey data following each federal election. In 2004 it launched its first post-election overseas and military voter survey by inviting 64,809 individuals to complete the web-based survey. Participants were sent a link to the survey which allowed one-time completion of the survey and was auto-disabled after use or if forwarded. The invitation list was compiled from the OVF mailing list. 10,049 voters completed the survey (a 15.5 percent response rate). Once again, in 2006, OVF invited voters compiled from the OVF email list. 46,144 overseas civilian and military voters received access to the survey and 4,506 (10 percent) completed the survey.

¹¹ I operationalize state legislative professionalism using Squire’s Index from 2003 (see Squire 2008). The number of all state employees in 2004 and 2006 was obtained from the U.S. Census Bureau. I use Holbrook and La Raja’s computation of the state Ranney Index from 2003 to 2006 to operationalize interparty competitiveness (see Holbrook and La Raja 2008). I measure turnout rate from 2004 using the data supplied by McDonald (2009; available at: http://elections.gmu.edu/Turnout_2004G.html).

For the first time in 2008, OVF sampled three different groups, although the content and form of the survey remained constant across the three groups. In the first group, OVF invited 105,759 individual OVF users to participate, of which 23,369 (22.1 percent) completed the survey. In the second distinct group, OVF set up an open URL to the survey for the use of any overseas voter wanting to complete the survey. 529 individuals who were not specifically invited by OVF completed the survey. In the final group, students were sent the survey URL by their study-abroad program office. 133 students completed the youth survey. The total number of respondents across all three samples was 24,031.

When designing and conducting its surveys, OVF consulted with the Research Triangle Institute. Although sampling is biased towards OVF website users, OVF has increased its response rate as well as its distribution.¹² Voters who participated in the survey came from all 50 states, with the highest number of UOCAVA registrants coming from California, New York, Texas, Florida and Pennsylvania.

In the 2004 survey OVF asked respondents about overall satisfaction with the voting process and how confident voters were that their vote was counted. In the 2006 and 2008 surveys there are two questions which tap into voter satisfaction. Survey respondents were asked: “How satisfied were you with the voter registration/ballot request process for the 2008 elections?” “How satisfied were you with the balloting aspect of the election?” Because this dependent variable is categorical (i.e. responses are “very satisfied, satisfied, neutral, dissatisfied, very dissatisfied”), I use an ordered logit model to estimate the impact of UOCAVA policy.

Previous research has demonstrated that other variables can influence trust in government and

¹² Sampling is a consistent problem when surveying overseas voters. There is no agreement on the nature of and distribution of the UOCAVA population, and thus it is difficult to get a representative sample. Because Americans are not required to register with the US Consulate when they move overseas, it is not easy to identify the exact number of overseas voters and how to contact them. However, if we compare the number of OVF survey respondents to the current population estimates, we do *not* see any noticeable deviation in the percentages. We observe, however, that California, Minnesota and New York appear to be overrepresented in the sample, whereas Florida, Georgia, North Carolina and Tennessee appear to be underrepresented (Smith 2009, 4).

voter satisfaction, such as income, age, race and gender (Alvarez, Hall and Llewellyn 2008, Brewer and Sigelman 2002). Therefore I include the following control variables in my model: voting history, age, gender, education, confirmation of registration, did the voter get a ballot, and voter status.

In order to facilitate analysis and interpretation, I collapsed the 14 point UOCAVA policy score into three categories. States with a score from 0 to 4 are considered “low” and placed in category “1.” States with a score from 4.5 to 6.5 are “medium” and coded “2,” and all states above 7 are coded “3” or high.

Results

Aggregate Analysis: Ballot Return and Acceptance Rates

The EAC has not released its 2008 results and therefore the hypothesis regarding UOCAVA ballot return and acceptance rates can only be examined for 2004 and 2006. As seen below in Table 2, it is nearly impossible to test the hypothesis in 2004; the data is simply incomplete. In the released data set, 19 states did not provide any information on UOCAVA ballots. However, in the official EAC 2004 UOCAVA report, total UOCAVA ballots sent and returned are reported for all states (EAC 2006, 9). The data base and report numbers do not match, and therefore I have reported both in Table 2. Interestingly, the amount of missing data is higher among states with lower UOCAVA policy scores.

As a result of inconsistencies in reporting, i.e. some states included the number of all absentee ballots with UOCAVA numbers, ballot return and acceptance rates appear high, even above 100 percent. There appears to be no link between UOCAVA policy and the aggregate data. When the variables are correlated, there are no statistically significant relationships and a regression analysis that includes other relevant dependent variables (such as state legislative

professionalism, state party competitiveness, and the size of the state bureaucracy) is also inconclusive and therefore I do not report the results here, but they are available upon request.

TABLE 2: BALLOT REJECTION AND UOCAVA POLICY, 2004

Ballots Received and Rejected by UOCAVA Policy: 2004								
	Ballots Requested	Ballots Returned / Cast	Ballots Counted	Ballot Return Rate	Ballot Accept Rate	From 2004 Report: Total UOCAVA Ballots Sent	From 2004 Report: Total UOCAVA Ballots Returned	From 2004 Report: Ballot Return Rate
Top 10 UOCAVA States								
Kansas	5903	3856	532	65.3%	13.8%	6564	5084	77.5%
Colorado	8474	5153	5920	60.8%	114.9%	10339	6669	64.5%
Indiana	.	.	.	.	.	8980	6811	75.8%
New Mexico	726	543	3375	74.8%	621.5%	519	348	67.1%
North Dakota	1317	956	1012	72.6%	105.9%	1587	1117	70.4%
Oklahoma	7682	5737	5495	74.7%	95.8%	7682	5737	74.7%
Florida	111008	86978	74082	78.4%	85.2%	122194	93524	76.5%
Hawaii	2277	1681	2472	73.8%	147.1%	3862	2492	64.5%
Texas	16531	16129	16440	97.6%	101.9%	88847	66374	74.7%
Arizona	10494	7387	7594	70.4%	102.8%	12046	8282	68.8%
Bottom 10 UOCAVA States								
New Jersey	.	.	.	.	.	14256	8475	59.4%
Illinois	.	.	.	.	.	30556	26639	87.2%
Missouri	.	.	.	.	.	15477	9006	58.2%
New York	.	.	.	.	.	55183	43699	79.2%
Minnesota	8414	6965	8051	82.8%	115.6%	12322	8757	71.1%
Nevada	5425	4269	11004	78.7%	257.8%	5699	4420	77.6%
New Hampshire	.	.	.	.	.	4516	3727	82.5%
Wyoming	2595	2162	2533	83.3%	117.2%	3123	2594	83.1%
South Dakota	.	.	.	.	.	3823	3288	86.0%
Alabama	.	.	.	.	.	8005	4234	52.9%

As seen below in Table 3, response rates to the EAC survey increased in 2006; however the data is still incomplete. Similar to the 2004 analysis, correlations and regression analysis using the 2006 data reveal a questionable relationship between UOCAVA policy and ballot return and acceptance.

TABLE 3: BALLOT REJECTIONS AND UOCAVA POLICY, 2006

Ballots Received and Rejected by UOCAVA Policy: 2006						
	Ballots Requested	Ballots Returned / Cast	Ballots Counted	Maximum Cast or Counted	Ballot Return Rate	Ballot Acceptance Rate
Top 10 UOCAVA States						
Montana	2813	1121	1001	1121	39.9%	89.3%
North Dakota	271	171	152	171	63.1%	88.9%
Rhode Island	911	2	2	2	0.2%	100.0%
Kansas	4249	1244	1141	2385	29.3%	91.7%
Mississippi	4884	290	373	432	5.9%	128.6%
Texas	181637	15666	21672	23480	8.6%	138.3%
Alaska	3614	3887	2615	4592	107.6%	67.3%
Arizona	7170	1952	1669	1952	27.2%	85.5%
Colorado	9290	2490	2246	2490	26.8%	90.2%
Indiana	2663	3335	.	3289	125.2%	.
Bottom 10 UOCAVA States						
Vermont	.	.	.	.	.	.
Arkansas	1477	479	465	524	32.4%	97.1%
South Dakota	9095	9280	15318	15885	102.0%	165.1%
Missouri	7705	3326	2575	3326	43.2%	77.4%
New York	36789	17376	14945	17376	47.2%	86.0%
Minnesota	11921	3176	2709	3176	26.6%	85.3%
Nevada	4888	3211	2760	3211	65.7%	86.0%
New Hampshire	.	.	.	.	.	.
Wyoming	3867	660	667	719	17.1%	101.1%
Alabama	.	.	.	.	.	.

One relationship stands out among the aggregate level data. In 2006 the number of ballots requested, cast and counted are significantly and positively correlated with the professionalism of the state legislature and the size of the state bureaucracy, which indicates that as the number of employees and resources of a state increase, so do the number of UOCAVA ballots. This is not surprising as bigger states tend to have larger UOCAVA populations. However, in a regression analysis of the return and acceptance rates only the competitiveness of the party politics within the state is significant. From the negative coefficient of the party

competitiveness variable it appears that more competitive states have a lower ballot return rate.

This finding contradicts the expected hypothesis.

The results above are both puzzling and uncertain. Clearly more and better data are needed to investigate the relationship between policy and aggregate level outcomes.

Individual Analysis: Voter Satisfaction

Table 4 below lists the percentage of OVF survey respondents who reported being “very satisfied” with their voting experience by UOCAVA policy score. One striking observation is the high level of voter satisfaction, especially in regards to the balloting experience. 45.1 percent of the 2006 sample reported being “very satisfied” with the registration and ballot request process, and 43.6 percent in 2008. In comparison to 2006 and 2008, the 2004 numbers are especially high (77.4 percent reported being satisfied with their voting experience) because the questions only offer “yes/no” response options. 2004 levels of confidence in ballots being counted are lower than overall satisfaction (58.4 percent). In a 2004 survey, 88 percent of polling place voters were confident that their ballot would be counted (Alvarez, Hall and Llewellyn 2008, 758). When compared to voters living within the US, UOCAVA voters are less confident that their ballot will be counted.

As Table 4 also demonstrates, satisfaction rates are evenly distributed. For example, in 2006, 60 percent of voters in level 2 states reported being very satisfied whereas 45.7 percent of level 8.5 states were very satisfied. Upon first glance there does not appear to be a consistent relationship between UOCAVA policy and voter satisfaction.

TABLE 4: VOTER SATISFACTION BY STATE UOCAVA POLICY

	2004		2006		2008	
	Overall Satisfaction	Confident that Ballot was Counted	Satisfaction with Registration	Satisfaction with Balloting	Satisfaction with Registration	Satisfaction with Balloting
1	60.7%	22.2%	30.0%	37.5%	.	.
1.5	72.7%	88.9%	.	.	.	.
2	73.0%	71.8%	60.0%	66.7%	37.8%	41.1%
2.5	.	.	.	.	.	.
3	81.0%	65.6%	52.1%	47.7%	52.4%	57.1%
3.5	78.5%	59.7%	48.0%	45.8%	.	.
4	78.3%	62.6%	53.8%	44.4%	46.7%	51.7%
4.5	74.4%	54.3%	37.2%	39.4%	37.4%	44.7%
5	77.6%	58.9%	43.3%	44.3%	.	.
5.5	79.4%	63.5%	31.5%	30.0%	47.2%	51.9%
6	83.3%	63.2%	51.9%	50.0%	41.2%	46.7%
6.5	81.5%	61.4%	54.2%	57.0%	47.8%	51.1%
7	78.6%	59.1%	43.7%	41.0%	42.9%	45.2%
7.5	76.5%	57.1%	48.8%	50.6%	39.2%	48.8%
8	71.0%	54.0%	43.2%	38.8%	40.6%	45.5%
8.5	.	.	45.7%	51.0%	46.5%	50.2%
9	86.5%	65.7%	61.5%	25.0%	47.1%	48.8%
9.5	.	.	.	.	37.8%	31.8%
10	.	.	52.0%	32.0%	47.0%	51.5%
10.5	.	.	.	.	52.6%	56.1%
11	.	.	.	.	44.8%	37.5%
11.5	.	.	.	.	.	.
12	.	.	.	.	53.4%	56.4%
12.5	.	.	.	.	.	.
13	.	.	.	.	38.7%	41.8%
13.5	.	.	.	.	.	.
14	.	.	.	.	40.9%	47.3%
Total number of respondents who were “very satisfied”	6842	4853	1343	1423	8505	8166
Number of respondents to satisfaction question	8843	8305	2975	3238	19980	17368

There are two variables of interest from the 2004 survey: confidence that vote was counted and overall voting satisfaction. Because of both of these questions featured “yes” or “no” answers, a bivariate logit model is necessary. However preliminary tests indicate no statistically significant relationships among the variables. For example, the Somer’s D of

satisfaction and UOCAVA policy is .005 with an approximate significance of .512. The bivariate logit model was also not significant, and an analysis of the 2004 data is inconclusive.

Ordered logit results for 2006 are listed below in Table 5, which reveal that the relationship between UOCAVA state policy and voter satisfaction is significant but weak. The direction of the coefficient (negative) does conform to the hypothesis that policies with fewer barriers promote voter satisfaction.¹³ In 2006, UOCAVA policy score appears to have a stronger influence on registration satisfaction than balloting. Registration and ballot request may be the most difficult and complicated part of the UOCAVA voting process, and thus when voters actually receive a ballot, they are very happy for the opportunity to cast it. In regards to the registration model, a respondent's age, gender, and education level are also significant. The strongest relationship appears is between the level of satisfaction and if the voter received confirmation of their registration and a ballot. This is not surprising as both are indicators of successfully completing the registration process and thus a more satisfying experience. In regards to the balloting model, whether or not the ballot was easy to complete is a strong predictor of satisfaction. In all of the models, although age is significant, the level of education is not.

¹³ The coefficient is negative because of the coding of the dependent variable "satisfaction," with "1" being the best and "5" the most dissatisfied.

TABLE 5: Ordered Logistic Regression of Factors Affecting Satisfaction
with the Voting Process, 2006

		Registration			Balloting		
		<u>Coefficient</u>	<u>SE</u>	<u>Sig.</u>	<u>Coefficient</u>	<u>SE</u>	<u>Sig.</u>
UOCAVA Score	Low UOCAVA Score (0-4)	-.211	.092	.022	-.172	.087	.049
	Medium UOCAVA Score (4.5-6.5)	-.076	.081	.350	-.182	.079	.021
Voting History	First Time Voter	.120	.208	.564	-.194	.223	.384
	First Time Overseas Voter	.087	.118	.462	-.093	.126	.461
	Only Voted Overseas	.076	.101	.449	.027	.094	.774
Age	18 - 24 years old	1.158	.269	.000	1.463	.271	.000
	25 - 29 years old	.50	.226	.027	.828	.219	.000
	30 - 34 years old	.722	.214	.001	.844	.208	.000
	35 - 44 years old	.418	.184	.023	.709	.175	.000
	45 - 54 years old	.439	.180	.015	.494	.171	.004
	55 - 64 years old	.036	.180	.841	-.057	.171	.736
	65 - 74 years old	.005	.196	.981	-.088	.186	.636
Gender	Male	.298	.072	.000	.157	.069	.024
Education	Some high school education	.425	.601	.480	-.366	.682	.592
	High school graduate or GED	.546	.319	.087	.274	.305	.368
	Trade school	.916	.416	.028	.233	.419	.579
	College or Associate's degree	.409	.300	.173	.109	.291	.707
	Bachelor's degree	.522	.283	.065	.385	.272	.157
	Master's degree	.448	.283	.113	.425	.271	.117
	Doctor's degree	.298	.295	.311	.188	.283	.505
	Post-doctorate	.435	.313	.164	.433	.301	.150
Type of Voter	Outside of U.S. Temporarily	.077	.589	.896	-.181	.610	.767
	Outside of U.S. Indefinitely or Permanently	.169	.585	.773	-.013	.606	.983
	Active Duty Military	.276	.638	.666	-.431	.681	.527
Confirmation of Registration	Received confirmation by letter	-.765	.086	.000			
	Received confirmation by fax	-1.095	.359	.002			
	Received confirmation by email	-.988	.118	.000			
	Received confirmation by phone	-.623	.292	.033			
	Registration was denied	.211	.439	.615			
Did you get a ballot	Yes	-2.301	.117	.000	-2.188	.152	.000
Ballot easy to complete	Yes				-2.831	.188	.000
N		2975			3238		
Log likelihood		4934.31			3749.79		
Chi-square		649.47***			612.7***		
Pseudo R-square		.196			.172		

Note: Survey Respondents were asked, "How satisfied were you with the process of registering and requesting your ballot for the November 7, 2006 election?" "In general, how satisfied were you with the balloting aspect of your November 7, 2006 voting experience?" Responses are coded: 1=very satisfied, 2=satisfied, 3=neutral, 4=dissatisfied, 5=very dissatisfied.

***p < .001

As seen below in Table 6, there also appears to be a weak, but significant relationship between policy and satisfaction in 2008. However, the sign of the coefficient has flipped. That is, positive voting experiences are associated with lower UOCAVA scores. Age, gender, confirmation of registration and getting a ballot are significant as well.

TABLE 6: Ordered Logistic Regression of Factors Affecting Satisfaction with the Voting Process, 2008

		Registration			Balloting		
		<u>Coefficient</u>	<u>SE</u>	<u>Sig.</u>	<u>Coefficient</u>	<u>SE</u>	<u>Sig.</u>
UOCAVA Score	Low UOCAVA Score (0-6)	.148	.037	.000	.105	.039	.008
	Medium UOCAVA Score (6.5-8)	.060	.034	.078	.073	.036	.044
Voting History	First Time Voter	-.049	.046	.285	-.158	.052	.002
	First Time Overseas Voter	-.072	.033	.029	-.140	.036	.000
	Only Voted Overseas	-.027	.050	.589	-.041	.050	.412
Age	18 - 29 years old	.646	.166	.000	.868	.167	.000
	30 - 39 years old	.394	.164	.016	.661	.165	.000
	40 - 49 years old	.338	.164	.039	.508	.165	.002
	50 - 59 years old	.178	.164	.278	.319	.164	.053
	60 - 69 years old	.055	.165	.741	.043	.166	.796
	70 - 79 years old	-.070	.178	.694	-.046	.180	.797
Gender	Male	.091	.028	.001	.079	.030	.009
Education	Some high school education	-.353	.233	.129	-.272	.254	.283
	High school graduate or GED	-.187	.142	.190	-.270	.151	.072
	Trade school	-.215	.167	.199	-.228	.179	.201
	College or Associate's degree	-.163	.140	.244	-.140	.147	.343
	Bachelors degree	-.196	.136	.148	-.159	.143	.265
	Masters degree	-.129	.136	.341	-.102	.143	.472
	Doctorate	-.177	.142	.214	-.289	.149	.053
	Post Doctorate	-.109	.151	.472	-.097	.158	.539
Type of voter	Outside of U.S. Temporarily	.108	.117	.354	.303	.129	.050
	Outside of U.S. Indefinitely or Permanently	.032	.115	.780	.253	.127	.004
	Active Duty Military	.130	.134	.331	.101	.150	.194
Confirmation of Registration	Yes	-.960	.029	.000			
Did you get a ballot	Yes	-2.025	.038	.000			
N			19240			17007	
Log likelihood			22579.7			11475.48	
Chi-square			4620.65***			347.453***	
Pseudo R-square			.213			.023	

Two possible factors can explain these results. First, the findings may be a result of collapsing the UOCAVA score into three categories rather than analyzing each score. When the full scale is used and not the categories, then the coefficients are negative, as expected. Of the UOCAVA coefficients produced in the full model, five are statistically significant but small (i.e. -.398, -.352, -.322, -.574). There is a larger variance in UOCAVA policy scores in 2008 than 2006 and therefore collapsing the information into three categories may not be appropriate for 2008 but work in 2006.

Second, states may be falling into the trap of high expectations. States that promise and do more, create citizens who anticipate a smooth voting process. When the actual experience does not conform to these expectations, then voters are more apt to be disappointed and report higher levels of dissatisfaction.

Alternate Explanations: the Importance of Outreach

There are several possible explanations for the weak results of the statistical analysis. First the quality of the data is questionable, especially the aggregate information from the EAC. Higher response rates and consistency in reporting standards are imperative to the future of UOCAVA research.

Second, the model fails to capture an important factor in turnout and rejection rates: outreach programs. This is consistent with findings regarding domestic voting within the US. Rugeley and Jackson (2009) argue that the National Voting Registration Act cannot help lower registration thresholds, but it cannot force citizens to register and turn out. Berinsky (2005) is even more forceful in his conclusions:

“In sum, the problem is not expanding the size of the potential electorate; the problem is in turning those potential voters to actual voters. . . Perhaps, then, institutional reform is not the proper response to the problem. . . Political interest and engagement drives citizens to the polls. . . Instead of making it incrementally easier for citizens to participate in politics, we should make people *want* to participate” (483, 484).

Nonetheless, policy changes are still required for UOCAVA voters as there is a large population that *wants* to participate but cannot because they either cannot get a ballot or have their voted ballots rejected. The combination of policy change *and* outreach is crucial for UOCAVA voters.

Case studies may be a more appropriate approach examining the impacts of policy and outreach. For example, Minnesota only scores a 10 on the UOCAVA State Policy Index, but according to the Minnesota Secretary of State, Minnesota increased the number of ballots sent to overseas and military absentee voters by 33 percent but increased the casting of these same ballots by an astonishing 282 percent when compared to the 2006 General Election (OVF 2009b, 2).

As reported by the Secretary of State's office, the state improved its performance across all other electoral metrics: the percentage of ballots sent that were returned climbed from 26.5 percent to 76.2 percent and the number of returned ballots subsequently rejected by election officials dropped from 14.8 percent to 6.4 percent. This was true for both military voters and civilians living abroad.

If Minnesota's policies were not responsible for these dramatic increases, what was? Minnesota Secretary of State Mark Ritchie attributes the above successes to three factors: the launch of Minnesota's Overseas and Military Web site created in partnership with Overseas Vote Foundation; aggressive overseas voter outreach initiatives to military personnel, corporations with employees living overseas, students studying abroad, and missionaries; and legislation allowing the electronic transmission of ballots to overseas and military voters (OVF 2009b, 3).

Arizona is another example. Although only scoring a 7.5 on the UOCAVA State Policy Index, the Maricopa County elections department, reports increasing rates of ballot returns and a

low rate of ballot rejection.¹⁴ In 2008, of the 7,931 ballots transmitted to UOCAVA voters 5,113 were returned, validated, and counted. Only 3 percent (255) were returned undeliverable. The elections department points to their user friendly, interactive website and the use of email in requesting and returning ballots as the key to their success. The use of email has resulted in a low number of ballots received too late to be counted (80).

Finally, resources are another essential key to voting success. As seen in the aggregate results above, states with enough employees to process UOCAVA requests and ballots have larger return rates and higher acceptance rates. We should thus be worried when states, such as Hawaii, report that they will not have enough funds to run their 2010 elections (Honolulu Star Bulletin, July 18, 2009).

Conclusions: the Path of Future Research

Policies do matter. UOCAVA state legislation has a statistically significant positive influence on voter satisfaction. Also there is possibly a link between legislation and the number of ballots returned and counted. Electronic delivery methods are one policy that are a step in the right direction in solving the problems confronted by UOCAVA voters, especially in solving the time constraints dilemma. However, electronic delivery methods coupled with hardcopy requirements can also lead to frustration. For example, in its 2008 Post-Election Survey, OVF found that, “23.8% of respondents who sent in a request by email did not receive a ballot and 21.5% of respondents who used fax did not receive a ballot. Voters don’t always realize that an emailed or faxed request in most states does not exempt the voter from sending in the signed original” (OVF 2009, 16).

In the past few months, there has been a lot of legislative movement both on the state and federal level. The variation in state policies may be disappearing. In addition to the Uniform

¹⁴ Maricopa County is the fourth largest county in the US and has a population of almost 4 million.

Law Commission and HR 1739, on July 23, the Military and Overseas Voter Empowerment (MOVE) Act passed the Senate by voice vote to amend the National Defense Authorization Act. This bill, similar to HR 1739, will require states to allow uniformed and overseas voters to send and receive voter registration applications, absentee ballot requests and blank ballots by mail, email and fax. It would also extend the time that UOCAVA voters have time to vote and allow the use of the FWAB in general, special and runoff elections for federal office. All of these are policies that are favorable within the State Policy Index.

This study has also demonstrated that policies are not the only factor in a state's ability to increase participation among UOCAVA citizens. Outreach programs and the staffing of election official offices are critical in implementing policy. One way to study this relationship would be the development of an outreach index to facilitate a large N analysis. Such an index would include: number of employees working on UOCAVA issues, level of centralization of UOCAVA policy implementation at the state level, allocated UOCAVA budget and expenditures, website, website usability, and frequency of communication with UOCAVA voters. Furthermore, with the emergence of better data, aggregate models can be refined. Surveys need to consistently ask questions about satisfaction in order to produce valuable time series data. Also, case studies of the largest states and counties may reveal more clues about the impact of policy.

This paper clears the path for new directions in UOCAVA research. The creation of the UOCAVA State Policy Index is an important step and will help researchers in choosing cases in small case studies as well as guide commissions attempting to bring uniformity to UOCAVA law. The index can also be used as a dependent variable in order to investigate what reforms all too often *do not* occur.

APPENDIX 1: UOCAVA SCORE CODING CRITERIA

Registration Score Coding Criteria	
Extra Identification Requirements	
1	No extra requirements for anyone
.5	Extra requirements or signatures for part of the population
0	Extra requirements
No Registration Required / Registration Waived / Same Day	
1	Registration Waived or not Required for everyone
.5	Registration Waived for only part of the population
0	Registration not Waived
Registration by Fax	
1	both civilian and military allowed
.5	only military or only civilian allowed
0	no fax allowed
Ballot request by fax	
1	both civilian and military allowed
.5	only military or only civilian allowed
0	no fax allowed
Registration by email	
1	both civilian and military allowed
.5	only military or only civilian allowed
0	no email allowed
Ballot Request by email	
1	both civilian and military allowed
.5	only military or only civilian allowed
0	no email allowed
Hard copy requirements	
1	Do not require hard copy after fax/email
0	Require hard copy after fax/email; not applicable
Citizens born overseas	
1	Allow citizen born overseas but with no residence to vote
0	Do not allow citizens born overseas to vote
Total Possible Registration Points: 8	

Balloting Score Coding Criteria

Ballot Transmission Time

- 1 Ballots sent out 45 days before election
- 0 Ballots sent out less than 45 days before election

Notarization or Witness Requirements

- 1 No signature required
- 0 Signature Required

Transmission of blank ballot by fax

- 1 both civilian and military allowed
- .5 only military or only civilian allowed
- 0 no fax allowed

Transmission of blank ballot by email

- 1 both civilian and military allowed
- .5 only military or only civilian allowed
- 0 no email allowed

Return of ballot by fax

- 1 both civilian and military allowed
- .5 only military or only civilian allowed
- 0 no fax allowed

Return of ballot by email

- 1 both civilian and military allowed
- .5 only military or only civilian allowed
- 0 no email allowed

Privacy Waivers

- 1 Have a privacy waiver
- 0 Do not have a privacy waiver

Expanded Use of the FWAB

- 1 States have expanded the use of the FWAB
- 0 States have restricted use of FWAB

Total Possible Registration Points: 8**TOTAL POSSIBLE UOCAVA POLICY POINTS: 16**

APPENDIX 2: 2008 STATE UOCAVA SCORES

	TOTAL 2008 REGISTRATION SCORE	TOTAL 2008 BALLOTING SCORE	TOTAL 2008 UOCAVA SCORE
Alabama	1	1.0	2.0
Alaska	6	4.0	10.0
Arizona	3.5	4.0	7.5
Arkansas	3	1.0	4.0
California	3	5.0	8.0
Colorado	7	6.0	13.0
Connecticut	3	3.0	6.0
Delaware	4	5.0	9.0
District of Columbia	3	5.0	8.0
Florida	2.5	6.0	8.5
Georgia	3	2.5	5.5
Hawaii	3.5	4.5	8.0
Idaho	4	5.0	9.0
Illinois	2.5	4.0	6.5
Indiana	3	6.0	9.0
Iowa	7	7.0	14.0
Kansas	4	8.0	12.0
Kentucky	4	4.0	8.0
Louisiana	3	5.0	8.0
Maine	3	4.5	7.5
Maryland	4	5.0	9.0
Massachusetts	4	2.0	6.0
Michigan	4	2.0	6.0
Minnesota	5	4.0	9.0
Mississippi	5	5.0	10.0
Missouri	4	4.0	8.0
Montana	3.5	6.0	9.5
Nebraska	4	4.5	8.5
Nevada	1.5	3.0	4.5
New Hampshire	4	2.0	6.0
New Jersey	4	5.0	9.0
New Mexico	5	8.0	13.0
New York	2	2.5	4.5
North Carolina	5	5.0	10.0
North Dakota	5	6.0	11.0
Ohio	2	4.0	6.0
Oklahoma	4	4.0	8.0
Oregon	5	5.0	10.0
Pennsylvania	3.5	3.5	7.0
Rhode Island	4	5.0	9.0
South Carolina	6	7.0	13.0
South Dakota	3.5	2.0	5.5
Tennessee	3	2.5	5.5
Texas	3.5	4.5	8.0

Utah	2	4.0	6.0
Vermont	4.5	4.0	8.5
Virginia	4.5	4.0	8.5
Washington	5.5	5.0	10.5
West Virginia	4	6.0	10.0
Wisconsin	6.5	3.0	9.5
Wyoming	1	2.0	3.0

APPENDIX 3: 2004 AND 2006 UOCAVA SCORES

	TOTAL 2004 REGISTRATION SCORE	TOTAL 2004 BALLOTING SCORE	TOTAL 2004 UOCAVA SCORE	TOTAL 2006 REGISTRATION SCORE	TOTAL 2006 BALLOTING SCORE	TOTAL 2006 UOCAVA SCORE
Alabama	1	0	1.0	1.0	0.0	1.0
Alaska	2	3	5.0	5.0	3.0	8.0
Arizona	3	4	7.0	3.0	5.0	8.0
Arkansas	3	1	4.0	3.0	1.0	4.0
California	3	2	4.5	3.0	4.0	7.0
Colorado	3	5	8.0	3.0	5.0	8.0
Connecticut	3	3	6.0	3.0	3.0	6.0
Delaware	4	2	6.0	4.0	2.0	6.0
District of Columbia	3	4	7.0	3.0	4.0	7.0
Florida	1.5	6	7.5	1.5	6.0	7.5
Georgia	3	2	4.5	3.0	1.5	4.5
Hawaii	3.5	4	7.5	3.5	4.0	7.5
Idaho	3	3	5.5	3.0	2.5	5.5
Illinois	1.5	2	3.5	2.0	3.0	5.0
Indiana	3	5	8.0	3.0	5.0	8.0
Iowa	4	3	7.0	5.0	3.0	8.0
Kansas	4	5	9.0	4.0	5.0	9.0
Kentucky	4	3	7.0	4.0	3.0	7.0
Louisiana	3	4	7.0	3.0	4.0	7.0
Maine	3	4	6.5	3.0	3.5	6.5
Maryland	2	4	6.0	2.0	4.0	6.0
Massachusetts	4	1	5.0	4.0	1.0	5.0
Michigan	2.5	2	4.5	3.5	2.0	5.5
Minnesota	2.5	1	3.0	2.5	0.5	3.0
Mississippi	3	3	6.0	4.0	5.0	9.0
Missouri	2.5	1	3.5	2.5	1.0	3.5
Montana	2	4	6.0	4.0	6.0	10.0
Nebraska	3	2	5.0	4.0	3.5	7.5
Nevada	1.5	2	3.0	1.5	1.5	3.0
New Hampshire	1	1	2.0	2.0	1.0	3.0
New Jersey	2	2	4.0	2.0	3.0	5.0
New Mexico	3	5	8.0	3.0	5.0	8.0
New York	2	2	3.5	2.0	1.5	3.5
North Carolina	3	4	7.0	3.0	4.0	7.0
North Dakota	3	5	8.0	4.0	6.0	10.0
Ohio	2	3	4.5	2.0	2.5	4.5
Oklahoma	4	4	8.0	4.0	4.0	8.0
Oregon	4	3	7.0	4.0	3.0	7.0
Pennsylvania	3.5	2	5.0	3.5	1.5	5.0
Rhode Island	2.5	5	7.0	4.0	6.0	10.0
South Carolina	3	3	6.0	3.0	4.0	7.0
South Dakota	0.5	1	1.5	3.0	1.0	4.0
Tennessee	3	2	4.5	3.0	1.5	4.5
Texas	3	5	7.5	4.0	4.5	8.5

Utah	2.5	3	5.0	2.5	2.5	5.0
Vermont	2.5	2	4.5	2.5	2.0	4.5
Virginia	2.5	3	5.0	2.5	4.0	6.5
Washington	3	4	6.5	3.0	4.0	7.0
West Virginia	3.5	3	6.5	4.0	3.0	7.0
Wisconsin	3.5	2	5.5	3.5	2.0	5.5
Wyoming	1	1	2.0	1.0	1.0	2.0

WORKS CITED

- Alvarez, R. Michael, Thad E. Hall and Morgan H. Llewellyn. 2008. "Are Americans Confident their Ballots are Counted?" *Journal of Politics* 70: 754-66.
- Berinsky, Adam J. 2005. "The Perverse Consequences of Electoral Reform in the United States." *American Politics Research* 33 (July): 471-491.
- Berinsky, Adam, Nancy Burns, and Michael Traugott. 2001. "Who Votes By Mail? A Dynamic Model of the Individual-Level Consequences of Voting-By-Mail Systems." *Public Opinion Quarterly* 65: 178-97.
- Brewer, Paul R. and Lee Sigelman. 2002. "Trust in Government: Personal Ties that Bind?" *Social Science Quarterly* 83 (2): 624-631.
- Cain, Bruce E., Karin MacDonald, and Michael H. Murakami. 2008. Administering the Overseas Vote. *Public Administration Review*. 68, 5: 802-813.
- Center for Democracy and Election Management. 2009. "The State of Elections in the Fifty States: Evaluating the Process Where it Counts." Washington DC: American University.
- Defense Manpower Data Center [DMDC]. Human Resources Strategic Assessment Program. 2007. *2006 Survey Results on Voting Assistance Among Military Members and DoD Civilian Employees*, Survey Note No. 2007-010. Washington, D.C.
- Gerken, Heather. 2009. *The Democracy Index: Why Our Election System is Failing and How to Fix It*. Princeton: Princeton University Press.
- Geys, Benny. 2005. "Explaining voter turnout: A review of aggregate-level research." *Electoral Studies* 25: 637-663.
- Gronke, Paul, Eva Galanes-Rosenbaum, and Peter Miller. 2007. "Early Voting and Turnout." *PS: Political Science and Politics* 40(4): 639-645
- Hall, Thad E. 2008. UOCAVA: A State of the Research. Working Paper. CalTech/MIT Voting Technology Project Working Paper #69, September 15.
- Hall, Thad E., J. Quin Monson and Kelly D. Patterson. 2009. "The Human Dimension of Elections: How Poll Workers Shape Public Confidence in Elections." *Political Research Quarterly* 62 (September): 507-522.
- Hanmer, Michael J. and Michael W. Traugott. 2004. "The Impact of Voting by Mail on Voter Behavior." *American Politics Research* 32 (July): 375-405.
- Highton, Benjamin. 1997. "Easy Registration and Voter Turnout." *The Journal of Politics* 59 (May): 565-575.

- Holbrook, Thomas M. and Raymond J. La Raja. 2008. "Parties and Elections." In *Politics in the American States: A Comparative Analysis, Ninth Edition*, ed. Virginia Gray and Russell L. Hanson. Washington DC: CQ Press, 61-97.
- Inbody, Donald S. 2009. "Voting and the American Military." *CivMilBlog*, 12 July 2009 <http://civmilblog.com/2009/07/12/voting-and-the-american-military/> (July 13, 2009).
- Karp, Jeffrey A. and Susan A. Banducci. 2000. "Going postal: How all-mail elections influence turnout." *Political Behavior* 22(3): 223-239.
- Kousser, Thad and Megan Mullin. 2007. "Does Voting by Mail Increase Participation? Using Matching to Analyze a Natural Experiment." *Political Analysis*, Autumn 2007
- McDonald, Michael. 2009. "Unites States Elections Project, Voter Turnout 2008." http://elections.gmu.edu/Turnout_2008G.html (May 12, 2009).
- , 2008. "2004 General Election Turnout Rates." *United States Election Project*, October 3, 2008 http://elections.gmu.edu/Turnout_2004G.html (July 3, 2009).
- Overseas Vote Foundation. 2009a. *2008 OVF Post Election UOCAVA Survey Report and Analysis*. Arlington, VA: Overseas Vote Foundation.
- , 2009b. *Case Study: Minnesota Takes the Lead in 2008*. Arlington, VA: Overseas Vote Foundation.
- Pew Center on the States. 2009. *No Time to Vote: Challenges Facing America's Overseas Military Voters*. Washington, DC.
- Powell, G. Bingham. 1986. "American Voter Turnout in Comparative Perspective." *American Political Science Review* 80 (March): 17-43.
- Regenscheid, Andrew and Nelson Hastings. 2008. *A Threat Analysis on UOCAVA Voting Systems*, NISTIR 7551. Gaithersburg, MD: National Institute of Standards and Technology, Information Technology Laboratory.
- Rugeley, Cynthia and Robert A. Jackson. 2009. "Getting on the Rolls: Analyzing the Effects of Lowered Barriers on Voter Registration." *State Politics and Policy Quarterly* 9 (Spring): 56-78.
- Skaggs, Adam. 2009. "Registering Military and Overseas Citizens to Vote." *Brennan Center for Justice*, 16 July 2009, http://www.brennancenter.org/content/resource/registering_overseas_and_military_citizens_to_vote/ (July 20, 2009).
- Smith, Claire. 2009. "Defining the Universe: The Problem of Counting Overseas Voters." *Overseas Vote Foundation Research Newsletter*, May, 2-6.
- Southwell, Priscilla. 2004. "Five Years Later: A Re-assessment of Oregon's Vote by Mail Electoral Process." *PS: Politics and Political Science* 98(1).

- Southwell, Priscilla and Justin Burchett. 2000. "The Effect of All-Mail Elections on Voter Turnout." *American Politics Quarterly* 28:72-9.
- Squire, Peverill. 2007. "Measuring State Legislative Professionalism: The Squire Index Revisited." *State Politics & Policy Quarterly* 7 (Summer): 211-227.
- Timpone, Richard J. 1998. "Structure, Behavior and Voter Turnout in the United States." *American Political Science Review* 92 (March): 145-156.
- U.S. Congress. House of Representatives. Committee on House Administration. 2009. *Military and Overseas Voting: Obstacles and Potential Solutions*. 111th Cong., 1st sess. May 21.
- U.S. Bureau of the Census. 2009. "Census of Government Employment: State Employment and Payroll Data by Geography and Function, 2007." <http://www.census.gov/govs/www/buildatable.html> (July 2, 2009).
- , 2008. "Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2008." <http://www.census.gov/popest/states/NST-ann-est.html> (May 12, 2009).
- U.S. Department of Defense. Federal Voting Assistance Program. 2008. *2008 – 2009 Voting Assistance Guide*. Washington, D.C.
- , 2006. *2006 – 2007 Voting Assistance Guide*. Washington, D.C.
- , 2004. *2004 – 2005 Voting Assistance Guide*. Washington, D.C.
- , 2001. "Voting Over the Internet Pilot Project Assessment Report." Washington, D.C.
- U.S. Department of Defense. Personnel and Military Casualty Statistics. 2009. "Department of Defense Active Duty Military Personnel Strengths by Regional Area and By Country, DECEMBER 31, 2008." <http://siadapp.dmdc.osd.mil/personnel/MILITARY/history/hst0812.pdf> (May 12, 2009).
- U.S. Election Assistance Commission. 2007a. *2006 Uniformed and Overseas Citizens Voting Act Survey*. Washington, D.C.
- , 2007b. *Voting from Abroad: A Survey of UOCAVA Voters*. Washington, D.C.
- , 2006. *2004 Uniformed and Overseas Citizens Voting Act Survey*. Washington, D.C.
- U.S. Government Accountability Office (GAO). 2001. *Issues Affecting Military and Overseas Absentee Voters*. (Publication No. GAO-01-704T. from <http://www.gao.gov/new.items/d01704t.pdf>. (Accessed January 6, 2009).
- Verba, Sidney, Kay Lehman Schlozman, and Henry E. Brady. 1995. *Voice and equality: Civic voluntarism in American politics*. Cambridge: Harvard University Press.
- Wolfinger, Raymond E., and Steven J. Rosenstone. 1980. *Who votes?* New Haven: Yale University Press.