

Deborah Seiler

County of San Diego Registrar of Voters

TESTIMONY

Before the

House Armed Services Committee Military Personnel Subcommittee

on

MILITARY AND OVERSEAS VOTING

July 15th, 2011

Introduction

Thank you Chairman Wilson, Ranking Member Davis, and distinguished members of the Committee for inviting me here today to testify regarding the administration of military and overseas voting. I am Deborah Seiler, Registrar of Voters for the County of San Diego.

Background on San Diego County

San Diego County is home to approximately 100,000 active duty service members and 80,000 members of their families. It is the home port of the USS Ronald Reagan and the USS Carl Vinson which recently returned from its mission near Pakistan. There are three Marine facilities, including Camp Pendleton, and four Navy facilities, including the Naval Amphibious Base in Coronado which is one of the homes for the Navy SEALs. In addition, San Diego hosts the Coast Guard Air Station San Diego, the Naval Medical Center San Diego, and the Space and Naval Warfare Systems Command.

San Diego is a geographically large county spanning 4,200 square miles, with 70 miles of coastline, and a shared border with Mexico. It stretches from the Pacific Ocean to the great Anza Borrego State Desert and its political diversity matches its geographic

span. The County contains 18 cities and 423 other political jurisdictions, ranging from school and community college districts to a host of special districts including water and fire districts among others. The latest census figures show San Diego has a population of 3,095,313 residents which makes it the second most populous California county, after Los Angeles, and larger than 21 states.

San Diego's political diversity is reflected by a population which is 48.5% non-Hispanic white, 32% Hispanic, 10.9% Asian, 5.1% African American, and 3.5% other. Its 1.4 million voters reflect a near equal division of Democrats and Republicans as well as a large percentage of Decline to State, or nonpartisan, voters.

The County of San Diego Registrar of Voters

The County of San Diego Registrar of Voters has a budget of \$28.5 million, 63 permanent staff, and over 730 temporary help workers for major statewide elections. In the November 2010 general election there were 1,466 voting precincts, 1,284 polling places, and 5,908 poll workers. The office provides ballots, other election materials, and oral assistance in English, Spanish, Filipino, and Vietnamese in accordance with minority language provisions of the Federal Voting Rights Act.

A hallmark of recent County elections is the explosive growth in the number of vote-by-mail voters. In November 2004, permanent vote by mail voters accounted for only 14% of all the voters. By November 2006, this had risen to 23% of the County's voters, and as of the November 2010 election it had risen to 45%. In the November 2010 general election, mail ballots were issued to more than 727,000 voters and, for the first time in a statewide general election, the number of mail ballot voters exceeded the number who went to the polls. Beginning in a 2005 special election the number of mail ballot voters exceeded the number of polls voters for the first time and this trend has become the norm for most special and primary elections. In a December 2009 special election, for example, 73% of all voters cast their ballots by mail.

This trend toward mail ballot voting has had a positive impact on voter turnout in San Diego County. Since 2006, with the growth in the number of permanent vote-by-mail voters, turnout in San Diego is higher than every other southern California county and higher than the statewide average voter turnout.

VOTER TURNOUT COMPARISON SAN DIEGO, SOUTHERN CALIFORNIA, STATEWIDE

November 2010 Gubernatorial General

COUNTY	TURNOUT	% VBM VOTERS
Los Angeles	53%	29%
Orange	55%	52%
Riverside	57%	48%
S.Bernardino	55%	44%
San Diego	64%	55%
Ventura	62%	49%
Statewide	59.59%	48%

June 2010 Gubernatorial Primary

COUNTY	TURNOUT	% VBM VOTERS
Los Angeles	23%	36%
Orange	30%	61%
Riverside	31%	58%
S.Bernardino	27%	55%
San Diego	38%	65%
Ventura	35%	57%
Statewide	33%	57%

May 2009 Special Statewide

COUNTY	TURNOUT	% VBM VOTERS
Los Angeles	20%	43%
Orange	28%	63%
Riverside	29%	62%
S.Bernardino	24%	61%
San Diego	31%	66%
Ventura	31%	62%
Statewide	28%	62%

How San Diego County Serves its Military and Overseas Voters

The Registrar of Voters has long prided itself on its service to military and overseas voters by providing access to voter registration information and materials as well as by supplying election materials to voters outside the territorial United States in a timely manner.

Voter Registration Assistance

The first step in serving military and overseas voters is to ensure they are registered to vote and their voter registration records are up to date. To promote this critical first step, the Registrar's office has designed its website to enable voters to determine the status of their voter registration and check on their political party preference at any time.

In addition, the Registrar's office has placed its voter registration form online to be accessible to any person in a remote location at any time. By accessing this form, voters can key in their information (as opposed to hand writing) and be prompted to provide all essential information to ensure the registration is executed without delay. They can also indicate their language preference and their desire to be a permanent mail ballot voter. Voters can print the voter registration form, sign it, and mail it to the Registrar. Due to the legibility of the typewritten information on the printed document, the data from these forms is keyed into the voter registration database with great accuracy. The State of California does not yet have true, online voter registration due to the fact that its statewide database has not been developed. However, counties are currently striving to make online voter registration a reality prior to the completion of this database. By placing its form online, San Diego County has taken a first step toward true, online voter registration.

The Registrar also promotes voter registration among military personnel who are newly naturalized citizens. Twice each year, the United States Citizenship and Immigration Services (USCIS) conducts naturalization ceremonies exclusively for members of the military. The Registrar's staff is present at each of these ceremonies to provide voter registration forms and personal assistance to help these newly naturalized citizens to register to vote.

Preparation and Distribution of Voting Materials

After all candidates and ballot measures have qualified for an election, the Registrar immediately begins to work with ballot and sample ballot booklet printers as well as translators to ensure election materials are produced and mailed by the 45th day (E-45) before the election. In addition to their ballots, military and overseas voters receive a pamphlet that includes the text, analysis, and arguments for and against state and local

propositions. This pamphlet also contains statements filed by various candidates to describe their qualifications for office. The mailed ballot and accompanying election materials are translated into Spanish, Filipino, and Vietnamese and distributed.

As additional military and overseas voters register to vote, the Registrar immediately sends ballots and election pamphlets to these voters. In the November 2008 presidential election, the Registrar received 8,323 FPCA applications; however 6,395 were not received in time for the initial mailing at E-45. Ballots and election materials for these late applicants were provided via one of several supplemental mailings.

Beginning in 2008, the Registrar established a ballot tracking system on its website to enable voters to inquire electronically whether their mail ballots were issued and received by entering birth date and local address information. In the November 2010 election, approximately 15,000 mail ballot voters accessed this site and successfully determined the status of their mail ballots. It is not possible, however, to determine the number of these users who were military and overseas voters.

Responding to telephone calls and emails from military and overseas voters is a priority. Call Center personnel identify calls from outside the United States and quickly route these to our Vote by Mail section staff for personal handling. A customer satisfaction survey conducted among military and overseas voters following the November 2008 presidential general election revealed a rating of 4.51 out of a possible 5.

Most ballots are returned by mail and all but a very few are timely received. In the November 2008 presidential election, 10,122 ballots were sent to military and overseas voters and 6,858, or 68%, were returned. Of these, 331 were received too late to count. Ballots that are timely received are processed in the same manner as domestic mail ballots.

In 2008, 2,307 ballots were returned by facsimile transmission with a cover sheet on which the voter waives his or her right to privacy. Nevertheless, the Registrar endeavors to protect the voter's privacy by removing the identifying information promptly after the voter's signature is verified and voting credit is recorded on the voter's record. No duplication of the faxed ballot onto an official ballot occurs until the ballot and the identifying information have been separated.

Challenges Facing Military Voters

Transitory and Remote Job Assignments

The primary challenge facing military voters is the transitory nature of their assignments. Military personnel move frequently and are often deployed in remote locations for many months. Normal contact with state and county service providers such as a registrar of

voters or a motor vehicles department is limited. This creates a challenge in communicating change of address information and obtaining current information regarding any changes in legal requirements for voting. In addition, vast distances and frequent moves hinder military voters' ability to obtain information regarding upcoming elections as well as information about the candidates and measures for which they are entitled to vote.

The San Diego Registrar communicates in a timely way with all voters whose names are on file and whose addresses are current. However, if the voter's mailing address has changed, the Registrar has no knowledge of this fact without some contact by the voter. As this contact occurs closer and closer to an election, the Registrar increasingly relies on email and fax to deliver ballots and election information to voters in remote locations. Staff are available to send voting materials to voters all over the world, provided they have access to computers and fax machines. However, the ability of military and overseas voters to return their voted ballots is presently constrained.

The lack of fax machines—a technology that is used with diminishing frequency—is a major stumbling block for military voters who register after the initial mailing 45 days before the election. Furthermore, as interpreted by the California Secretary of State, state law permits military and overseas voters to return their ballots by fax but prohibits voters from scanning their ballots and returning them by email. Legislation to address this issue has been introduced at the state level by State Senator Runner which would allow military and overseas voter to return their ballots by email. However, concerns over security have prevented such legislation from being passed.

Myriad State Laws

Lack of understanding of state laws is another barrier to voting by military personnel. Laws regarding deadlines to register to vote and requirements to vote by mail can vary from state to state. Primary election dates range from May to September, and rules for voting in primary elections range from open to closed, with other variations in between. In addition, rules for receipt of mail ballots vary widely, as some states require the ballots to be received by 7 pm, others at 8 pm, and others allow them to be received at varying intervals after the election. Voting assistance officers face a major challenge to accurately convey information to military voters that will enable them to apply universally and arrive in a timely manner.

Other Common Challenges

In addition to the need for current address information, it is essential for the Registrar to obtain complete information on registration forms. If voters fail to provide all necessary data, there could be a delay in processing their affidavits. The Registrar relies on the voters to supply—and their voting assistance officers to emphasize the need for—timely

and accurate information. The Registrar has taken steps to address this issue, and has posted the County voter registration form online. Because voters who register using the state form are considered permanently registered to vote, the Registrar will encourage all voters, including military and overseas, to use this form in lieu of the Federal Postcard Application (FPCA).

Other information is vital as well. For example, consistent signatures are critical to ensure ballots are counted. Military and overseas voters use mail ballots which are counted only if the signature on the return envelope compares with the signature on the affidavit. And finally, up-to-date contact information, particularly email addresses and telephone and fax numbers, help the Registrar expedite communication with military and overseas voters when deadlines are near.

These challenges result in a turnout rate among military and overseas voters that averages about 20% below the turnout rate for voters generally. Although turnout among military and overseas voters in San Diego County is higher than that in many other California counties, it still lags behind the rate for the population as whole.

Implementation of the MOVE Act in San Diego County

Prior to the passage of the Military and Overseas Voter Empowerment (MOVE) Act, the County of San Diego Registrar worked with the US Postal Service to ensure that ballots and materials were mailed to voters in combat zones by E-45. However, the Registrar, in consultation with the postal service, successfully reached military voters in noncombat zones by mailing ballots 39 days prior to the election. With the implementation of the MOVE Act, San Diego County now mails all military and overseas voter ballots by E-45. In addition, our office mails federal write-in ballots at E-60 to voters who reside in extremely remote areas and who contact our office to indicate difficulty receiving mail.

San Diego County experienced two benefits of the implementation of the MOVE Act. First, voting assistance officers now remind military personnel to re-register each January, and this has prompted many to update their voting addresses in a timely manner. Second, military and overseas voters now register for elections in a single calendar year. Prior law permitted voters to request a mail ballot and simultaneously register for a two-year period. However, the two-year span caused many to carry old addresses on their voter registration.

However, elections officials have found that some of the deadlines outlined by the MOVE Act are not consistent with California laws, specifically those regarding special elections to fill vacancies in state legislative offices and in the House of

Representatives. California Elections Code section 10704 requires candidates in a special vacancy election to file nomination papers between 63 and 43 days before the election, yet the MOVE Act requires ballots to be mailed overseas by E-45—clearly not possible under this scenario. Greater uniformity of state election law, particularly for military and overseas voting, would help resolve such discrepancies.

Recommendations for Legal and Procedural Improvements to Benefit Military and Overseas Voters

1. Encourage the military to report address change information for military personnel in a form that county elections officials could access.
2. Elections officials throughout California have been pushing for the ability to accept ballots by email. This is something that is done in 19 states. Election officials believe this is an appropriate use of a viable and widely available technology. Security concerns raised about scanned and emailed ballots are no greater than for ballots sent by fax and there is no evidence of abuse with either technology.
3. Continue longer term efforts to establish secure internet voting for military personnel.
4. Encourage states to pursue greater uniformity of laws regarding mail ballot voting, particularly for military and overseas voting.

Conclusion

Thank you for your interest in and support of military and overseas voters, and for providing the County of San Diego the opportunity to participate in today's hearing. I am happy to answer any questions that you may have.