



COMMONWEALTH OF VIRGINIA JOINT LEADERSHIP COUNCIL OF VETERANS SERVICE ORGANIZATIONS

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RICHMOND VA 23219

Air Force Association
American Legion
AMVETS
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Disabled American Veterans
Fifth Baptist Veterans Ministry
Fleet Reserve Association
Iraq & Afghanistan Veterans of America
Korean War Veterans Association
Legion of Valor of the U.S., Inc.
Marine Corps League
Military Order of the Purple Heart
Military Officers Association of America
Military Order of the World Wars
National Association for Uniformed Services
Navy Seabee Veterans of America
Non-Commissioned Officers Association
Paralyzed Veterans of America
Reserve Officers Association
Roanoke Valley Veterans Council
Veterans of Foreign Wars
Vietnam Veterans of America
Virginia Army/Air National Guard Enlisted Association
Virginia National Guard Association
Women Marines Association

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Position Paper 2017-07

Electronic Return of Voted Ballots by Overseas Military

1. **OBJECTIVE:** Enfranchise Virginia's Overseas Uniformed Service Personnel's votes by enacting Electronic Return of Voted Absentee Ballots by encrypted means.
2. **BACKGROUND:**
 - a. Currently an overseas voter can electronically register and receive an absentee ballot per the Uniformed & Overseas Absentee Voter Act (UOCAVA). By current Virginia Code the ballot must be returned via "snail" mail.
 - b. It is a fact that mail from overseas is subject to significant delays resulting in the untimely return of "snail" mail and many votes not counting due to ballots reaching local registrars after Election Day, if at all.
 - c. For the general elections from 2010-2014, 5,050 ballots were requested by overseas deployed Virginia service members. Of those, 2,231 (44%) ballots were returned by mail or in person in time to be counted, 134, ballots were rejected and not counted, and 2,675 (53%) were not returned.
 - d. As of 2015, a reliable statistical model estimates Virginia service members serving overseas includes **9,760** personnel eligible to vote.
 - e. *Everyone Counts* a U.S. founded and owned encrypted voting software company has provided a Rough Order of Magnitude Cost Projection to install a secure pilot test program statewide for \$400,000. The company's software is platform independent and encrypted to secure the integrity of the submitted ballots.
 - f. The state of Alabama approved and used this company for a successful pilot program for their March 1, 2016 Presidential primary.
3. **DISCUSSION:**
 - a. The State Board of Elections has expressed confidence in developing procedures to address privacy and security concerns related to the electronic transmission, management and counting of absentee ballots.
 - b. FBI Director, James Comey, is on the record, "I love strong encryption. It protects us in so many ways from bad people, it takes us to a place [of] absolute privacy..."
 - c. According to NCSL on July 27, 2015, and reported in the SBE SB11 Working Report, "**Building a Secure Electronic Return of Marked Ballots Solution for our Overseas Military Voters**": "Two states provide an internet portal for the return of marked ballots, while 27 states provide for e-mail return of marked ballots and 31 provide for fax return of marked ballots."
 - d. General Assembly approval of a pilot installation in 2017 is required to permit electronic return of the voted ballot from uniformed military personnel serving overseas.
4. **RECOMMENDATION:** That the Governor and General Assembly enact legislation and provide budget support of a pilot program for the electronic return of absentee ballots by Virginia's deployed military service members to enfranchise their voting privileges.