



# COMMONWEALTH OF VIRGINIA JOINT LEADERSHIP COUNCIL OF VETERANS SERVICE ORGANIZATIONS

900 EAST MAIN STREET, RICHMOND, VA 23219

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*Air Force Association  
American Legion  
AMVETS  
Association of the United  
States Army  
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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JLC Contact  
Stuart Williams  
(703) 595-3252  
shw13@att.net

## Position Paper 2017-06

### 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.