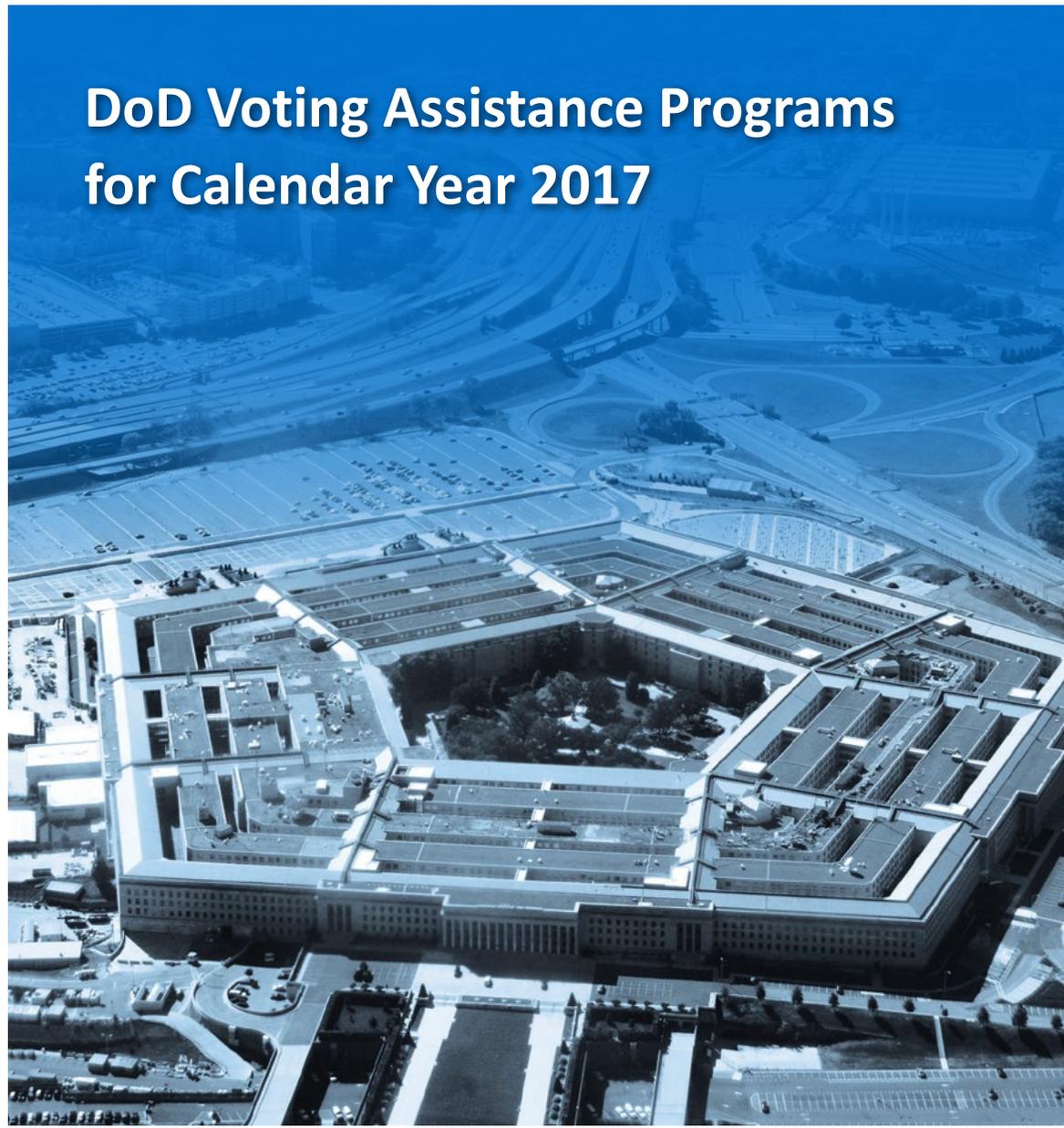




INSPECTOR GENERAL

U.S. Department of Defense

MARCH 30, 2018



DoD Voting Assistance Programs for Calendar Year 2017

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INTEGRITY ★ EFFICIENCY ★ ACCOUNTABILITY ★ EXCELLENCE

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Results in Brief

DoD Voting Assistance Programs for Calendar Year 2017

March 30, 2018

Background

“The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA [P.L. 99-410])” as modified by the “Military and Overseas Voter Empowerment (MOVE) Act” (P.L. 111-84, Title V, Subtitle H) and other provisions, explained that the right to vote was important to uniformed service members, their eligible family members, and other eligible overseas voters. Accordingly, the law established various voting assistance programs intended to help these absentee voters register, vote, and have their vote counted.

Section 1566, title 10 United States Code (10 U.S.C. § 1566) defined “voting assistance programs” as “the Federal Voting Assistance Program (FVAP) carried out under the ‘Uniformed and Overseas Citizens Absentee Voting Act’ (UOCAVA) and any similar program.” It required that:

- The “Inspector General of the Department of Defense” report to Congress by March 31 every year on the effectiveness of voting assistance programs and the level of compliance with the voting assistance programs of the Army, Navy, Air Force, and Marine Corps.
- The Inspectors General of the Army, Navy, Air Force, and Marine Corps annually review the compliance and effectiveness of their Service’s voting assistance program, and report the results to the Department of Defense Office of Inspector General (DoD OIG) in time to be reflected in the DoD OIG’s March 31 report to Congress.

Objective

In accordance with 10 U.S.C. § 1566, our objective was to determine whether:

- voting assistance programs were effective;
- the Army, Navy, Air Force, and Marine Corps complied with their respective Service’s voting assistance programs.

We also established a self-initiated objective to determine whether DoD Agencies complied with applicable requirements of DoD Instruction (DoDI) 1000.04, “Federal Voting Assistance Program (FVAP),” September 13, 2012 (as modified by Change 1, effective December 1, 2017). Specifically, we sought to determine whether DoD Agencies complied with the Instruction’s requirement that all DoD Components “develop written voting-related policies to support all eligible uniformed services personnel and their family members, including those in deployed, dispersed, and tenant organizations.”¹

Findings

Although the Service IGs reported that their respective Service’s voting assistance programs were effective, based on the information in their reports we question that conclusion with regard to the Navy and the Air Force.

We determined that the Navy and Air Force voting assistance programs were not compliant with 10 U.S.C. § 1566 or DoDI 1000.04, which require at least one trained military member to be appointed as a unit voting assistance officer in every military unit of 25 or more permanently assigned personnel. Additionally, we determined the Navy and Air Force were not compliant because both Services changed their voting assistance program and eliminated unit voting assistance officer positions. Furthermore, we found that only three of nineteen Agencies had written voting related policies, as required by DoDI 1000.04.²

¹ DoD Instruction (DoDI) 1000.4, “Federal Voting Assistance Program (FVAP),” September 13, 2012, Enclosure 4, paragraph 1.a.

² DoD Agencies are Components of the DoD, in addition to the four Military Services. They often consist largely of Government civilian personnel. There are 19 agencies in the DoD.



Results in Brief

Voting Assistance Programs for Calendar Year 2017

We also found that DoDI 1000.04 did not provide sufficient clarity and guidance to the Services and Agencies on the Federal Voting Assistance Program. Specifically, DoDI 1000.04 did not provide sufficient clarity and guidance because:

- the instruction only required “written voting-related policies” for “uniformed services personnel and their family members” and
- the instruction did not specify what “written voting-related policies” should contain.

Additionally, we note that the suspense of January 31 of each year for the Military Service Inspectors General to submit their FVAP reports to the DoD OIG, as established by DoDI 1000.04, makes it difficult for the DoD OIG to submit the required report to Congress by March 31.

Recommendations

We recommend that the Federal Voting Assistance Program Director, in coordination with the Undersecretary of Defense for Personnel and Readiness:

- coordinate with the Navy senior service voting representative to bring the Navy voting assistance program into compliance with 10 U.S.C. § 1566 and DoD Instruction 1000.04, “Federal Voting Assistance Program (FVAP),” with regard to unit voting assistance officers;
- coordinate with the Air Force senior service voting representative to bring the Air Force voting assistance program into compliance with 10 U.S.C. § 1566 and DoDI 1000.04 with regard to unit voting assistance officers;
- clarify or revise DoD Instruction 1000.04 to:
 - ensure that all elements of The Uniformed and Overseas Citizens Absentee Voting Act population, including all eligible civilian U.S. citizens residing outside the United States, are included in all provisions of DoDI 1000.04,

- specify what guidance “written voting-related policies” should contain, and
- establish a standardized reporting format for the Service Inspectors General annual voting assistance program reports to the DoD OIG; and
- clarify or revise DoDI 1000.04, Enclosure 4, paragraph 2.n. to require that the Inspectors General of the Army, Marine Corps, Navy, and Air Force complete their annual reviews and report the results to the DoD OIG by December 1 of each year.

Management Comments and Our Response

The Federal Voting Assistance Program Director concurred with all the recommendations and agreed to facilitate a Services working group to address voting assistance officer responsibilities. He also agreed to include the identified changes in the next iteration of DoDI 1000.04.

We consider the recommendations resolved, but remain open. We will close the recommendations once we verify the satisfactory results of the cited working group and the appropriate changes to DoDI 1000.04.

Recommendations Table

Management	Recommendations Unresolved	Recommendations Resolved	Recommendations Closed
Federal Voting Assistance Program Director		A.1, A.2, B.1.a, B.1.b, B.1.c, B.2	

No additional comments are required in response to this final report.

Note: The following categories are used to describe agency management’s comments to individual recommendations.

- **Unresolved** – Management has not agreed to implement the recommendation or has not proposed actions that will address the recommendation.
- **Resolved** – Management agreed to implement the recommendation or has proposed actions that will address the underlying finding that generated the recommendation.
- **Closed** – OIG verified that the agreed upon corrective actions were implemented.





**INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500**

March 30, 2018

MEMORANDUM FOR DIRECTOR, FEDERAL VOTING ASSISTANCE PROGRAM

SUBJECT: Evaluation of Voting Assistance Programs for Calendar Year 2017
(Project No. D2018-D00SPO-0021.000)

We are providing this report for your information.

We conducted this evaluation from October 2017 through March 2018 in accordance with the "Quality Standards for Inspections and Evaluations," published in January 2012 by the Council of the Inspectors General on Integrity and Efficiency.

We considered management comments in response to a draft of this report when preparing the final report. DoD Instruction 7650.03 requires that all recommendations be resolved promptly. The Federal Voting Assistance Program Director has initiated or proposed actions that will address the underlying findings that generated all of the recommendations. Therefore, these recommendations are resolved, but remain open. We will request an update on these recommendations after six months.

We appreciate the courtesies extended to our staff. If you have any questions, please direct them to [REDACTED], or [REDACTED]


Kenneth P. Moorefield
Deputy Inspector General
Special Plans and Operations

cc: Inspector General of the United States Army
Naval Inspector General
Inspector General of the United States Air Force
Inspector General of the Marine Corps

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Introduction

Background

On August 28, 1986, President Ronald Reagan signed “The Uniformed and Overseas Citizens Absentee Voting Act” (UOCAVA [P.L. 99-410]). The law and other provisions explained the sense of Congress that exercising the right to vote was important to uniformed service members, their eligible family members, and other eligible overseas voters. Accordingly, the UOCAVA established various programs and requirements intended to help these absentee voters.

The law impacted multiple executive departments, including, the U.S. Departments of Defense, State, and Justice. The law also required the President to designate the head of an executive department to have primary responsibility for Federal functions under the law, and then described specific duties for the “Presidential designee” to perform.

On June 8, 1988, pursuant to the UOCAVA, President Reagan signed Executive Order 12642 designating the Secretary of Defense as the “Presidential designee.” The order also authorizes the Secretary of Defense to delegate any or all “Presidential designee” functions, responsibilities, powers, authority, or discretion to any person within the DoD.

On October 28, 2009, President Barak Obama signed the “Military and Overseas Voter Empowerment (MOVE) Act” (P.L. 111-84, Title V, Subtitle H). The House of Representatives Report (H.R. 2647) to the statute states that the right to vote is fundamental and that many logistical, geographical, operational, and environmental barriers restrict the ability to vote for military and other eligible overseas citizens. The Act also significantly amended the UOCAVA with requirements intended to further help eligible military members, their eligible family members, and other eligible overseas voters. The UOCAVA, as amended by the Military and Overseas Voter Empowerment Act and other provisions, is codified in sections 20301–20311, title 52 United States Code (U.S.C.).

Section 1566, title 10 U.S.C., “Voting assistance: compliance assessments; assistance,”

- defined “Voting Assistance Programs” as “the Federal Voting Assistance Program (FVAP) carried out under the ‘Uniformed and Overseas Citizens Absentee Voting Act’ (UOCAVA) and any similar program”;
- required that, by March 31 each year, the Department of Defense Office of Inspector General (DoD OIG) submit to Congress a report on:

- the effectiveness during the preceding calendar year of voting assistance programs and
- the level of compliance during the preceding calendar year of voting assistance programs; and
- required the Inspectors General of the Army, Navy, Air Force, and Marine Corps to:
 - conduct an annual review of the effectiveness of their respective voting assistance programs,
 - conduct an annual review of compliance of their voting assistance programs, and
 - submit an annual report to the DoD OIG in time each year to be reflected in the DoD OIG's March 31 report to Congress.

On September 13, 2012, the Under Secretary of Defense for Personnel and Readiness consolidated and reissued previous FVAP policy as DoD Instruction (DoDI) 1000.04 "Federal Voting Assistance Program (FVAP)." (Note: The USD (P&R) issued Change 1 to the Instruction on December 1, 2017. The change did not impact our work.) The Instruction:

- implemented the UOCAVA and 10 U.S.C. § 1566 by establishing policy and assigning DoD responsibility for the FVAP;
- stated that, in accordance with Executive Order 12642, the Under Secretary of Defense for Personnel and Readiness would execute "Presidential designee" responsibilities;
- further delegated "Presidential designee" authority and responsibility to a "civilian" FVAP Director, and specified that the FVAP Director would "manage, coordinate, and perform the Presidential designee's responsibilities as established by the UOCAVA";
- required the Army, Navy, Air Force, and Marine Corps to manage their individual service voting assistance programs;
- required the Inspectors General of the Military Departments to review their voting assistance programs annually and, in accordance with the UOCAVA and 10 U.S.C. § 1566, submit a copy of their report to the DoD OIG by January 31 of the following year; and
- required DoD Agencies to develop written voting-related policies to support all eligible uniformed service personnel and their families.

Objectives

In accordance with 10 U.S.C. § 1566 and DoDI 1000.04, our objectives were to determine whether:

- voting assistance programs were effective and
- the Army, Navy, Air Force, and Marine Corps complied with their respective Service's voting assistance programs.

We also established a self-initiated objective to determine whether DoD Agencies complied with applicable requirements of DoDI 1000.04. Specifically, our objective was to determine whether DoD Agencies complied with the DoDI's requirement that all DoD Components "develop written voting-related policies to support all eligible uniformed services personnel and their family members, including those in deployed, dispersed, and tenant organizations."^{3, 4}

Prior Coverage

During the past 5 years the Government Accountability Office (GAO), the DoD OIG, the U.S. Election Assistance Commission (EAC), and other oversight organizations have issued numerous reports discussing voting support to UOCAVA voters. For more details, see Appendix B of this report.

We analyzed the reports identified in Appendix B to help us understand:

- the size of the potential UOCAVA voter population,
- the impact the FVAP had on assisting potential UOCAVA voters, and
- the reliability of the data and analysis intended to help senior U.S. officials and decision makers assess program effectiveness.

Based on our analysis of these reports, we understand that:

- The potential UOCAVA voting population consists of approximately six million potential absentee voters (see GAO reporting), including active-duty uniformed personnel (and their family members) and other U.S. citizens living outside the United States.
- Data was sufficiently reliable for the purpose intended, but would be more precise if data reliability issues associated with data collection, data input, and data validation improved (see GAO and EAC reporting). None of the reports we reviewed analyzed the cost or the cost benefit of improving data reliability.

³ DoDI 1000.04, Enclosure 4, paragraph 1.a.

⁴ DoD Agencies are components of the DoD, in addition to the four military Services. They often consist largely of government civilian personnel. There are 19 Agencies in the DoD.

- Voter participation as a percentage of the potential six million person UOCAVA population has been relatively low. For example, in the 2016 Presidential election:
 - Only about 15 percent of potential UOCAVA voters received an absentee ballot (930,156 ballots) from their voting jurisdiction.
 - Only about 10 percent of potential UOCAVA voters actually submitted an absentee ballot (633,592 ballots) to their voting jurisdiction.
 - Only about 8 percent of the potential six million person UOCAVA voter population had a ballot counted (512,696 ballots). Local voting jurisdictions rejected the balance of ballots they received (120,896 ballots), usually because the jurisdiction did not receive the ballot on time.

Summary – Military Service Inspector General Reports

Army Inspector General

The Department of the Army Inspector General (DAIG) issued “Calendar Year 2017 Annual Report of the U.S. Army Compliance with Department of Defense Federal Voting Assistance Program Requirements” on January 5, 2018. Based on consolidated results of Army Command IG inspections of eight senior level commands, the DAIG reported that the Army complied with both DoD Instruction 1000.04 and Army Regulation 608-20. The DAIG also reported that the Army voting assistance program (VAP) continued to enable Soldiers, Army civilians, family members, and contractors to fully participate in the American election process.

The DAIG report contained inspection results from eight Army senior commands and 14 installations, encompassing a total of 437 organizations. Furthermore, the report documented the compliance of 14 installation voting assistance officers and 868 unit voting assistance officers serving at Army senior-level commands through the company level. This report includes information from U.S. Army Recruiting Command pertaining to enlistee voting requirements.

The DAIG is in its second year of using a rotational system implemented during the CY 2015 reporting cycle. This system allows the DAIG to determine which Army major commands to inspect over the four-year election cycle, resulting in at least two inspections of every Army major command during the four-year election cycle and an annual inspection for some Army commands. Lastly, the DAIG inspection methodology accounts for general-election years with a presidential election by inspecting all the Army senior-level commands.

The DAIG incorporated requirements from 10 U.S.C. § 1566 and DoDI 1000.04 into its standardized inspection tool. The DAIG provided this inspection tool to all senior-level command IGs, who in turn inspected their subordinate organizations as part of the Army’s annual VAP assessments. The DAIG report provided compliance assessments in seven specific categories:

- staffing,
- training,
- material distribution,
- communication and information network,

- commander- and installation-level involvement,
- VAP compliance, and
- VAP effectiveness.

The DAIG reported that the Army VAP complied with Federal and DoD policies, detailing efforts towards achieving compliance in all seven assessment categories and identifying no major deficiencies for the reporting period. With the Army VAP's efforts on material distribution, both in person and through electronic means, the DAIG reported making 856,167 contacts, with 688,341 voters receiving assistance during the first three quarters of 2017. Additionally, the DAIG reported the electronic distribution of 209,444 FVAP forms in the first three quarters of CY 2017.⁵

The DAIG report stated that the Army has an effective VAP that enables soldiers, their dependents, and civilian or contract employees deployed worldwide to participate in the election process. Additionally, the DAIG reported that Army organizations continue to expand the use of electronic and social media sites such as installation and Army websites and Facebook to deliver voting material to eligible voters around the clock.

Naval Inspector General

The Naval Inspector General issued "Report of Assessment of Navy Voting Assistance Program for Calendar Year 2017" on February 13, 2018. The report found that the Navy's voting assistance program was both "compliant and effective." It explained that the review methodology included area assessments, command inspections, on-site interviews, record reviews, and an end-of-year survey of 1,351 Commands. However, the Naval IG report also identified and enclosed a Chief of Naval Operations message "Collateral Duties," released by the Vice Chief of Naval Operations on July 11, 2017, that eliminated the shipboard (unit) voting (assistance) officer position "immediately," and explained the position was "no longer required."

The Naval IG report cited the message as an explanation of why their end-of-year voting survey of 1,351 Commands received only 171 responses. The report explained that the "low reporting rate" may have been due to a misinterpretation of the July 11, 2017, Chief of Naval Operations message, which may have resulted in the elimination of shore-based unit voting assistance officers in addition to voting officers aboard ships.

⁵ FVAP forms include requests for voter registration, absentee ballot requests, etc.

The Naval IG report did not identify the elimination of unit voting assistance officers as non-compliant with 10 U.S.C. § 1566 or the implementing policy, DoDI 1000.04. DoD Instruction 1000.04, Enclosure 4, paragraph 2.f. specifically requires at least one unit voting assistance officer in every military unit exceeding 25 personnel. For additional information, see Finding A of this report.

As we specified in the “Limitations” and “Use of Computer-Processed Data” sections of this report, we reviewed Military Service IG reports for consistency and reasonableness, and were alert to any evidence that could bring report conclusions or data reliability into question. This year, our review of the Naval IG report identified information that caused us to question several aspects of the report.

The Naval IG’s Conclusion Was Not Supported

The details of the Naval IG’s report do not support the conclusion that the Navy’s voting assistance program was “compliant and effective.” The requirement for unit voting assistance officers is established in law and DoD FVAP policy. The Navy’s elimination of unit voting assistance officers from shipboard units, and the potential that the Navy also eliminated unit voting assistance officers from shore-based units, seemed inconsistent with the Naval IG’s conclusions regarding program compliance.

The Data Underlying the Naval IG’s Conclusion Was Not Reliable

The Naval IG reported that, because the Navy may have eliminated unit voting assistance officers at shore-based units, the Naval IG received only 171 responses from the 1,351 Naval Commands it surveyed. The low response rate caused us to question whether the Naval IG Command survey data was sufficient for meaningful analysis. In a follow-up discussion, a Navy Voting Assistance Program official indicated that the data in the Naval IG report was incorrect, and that the response rate was actually higher. The limited timeframe imposed by DoDI 1000.04, and the lateness of the Naval IG report, constrained our ability to test, examine, or validate the Naval IG data. Consequently we did not examine or reconcile the discrepancy between the Naval IG report and the assertion of the Navy Voting Assistance Program official regarding the survey response rate. Our review only identified conflicting information that caused us to question the data’s reliability.

Notwithstanding data sufficiency and reliability, the data reported by the Naval IG seemed inconsistent with both program compliance and effectiveness. For example, according to the Naval IG report:

- almost 60 percent of naval units with 25 or more personnel were non-compliant with the requirement to designate a unit voting assistance officer in writing;
- about 64 percent of naval units were non-compliant with the requirement to annually train all uniformed Service members on absentee registration and voting procedures;
- more than 60 percent of naval units were non-compliant with the requirement to provide training and voting assistance for units or personnel preparing to deploy;
- overall, Navy average compliance was only 36 percent; and
- Navy voting assistance program implementation was non-compliant and not effective “due to a lack of Service support.”

Air Force Inspector General

The Inspector General of the Air Force issued “Federal Voting Assistance Program Inspection Report – FY17,” on January 31, 2018. The report explained that it was issued in accordance with DoD Instruction 1000.04, which requires the Military Service IGs to annually review their voting assistance programs to ensure compliance with the Instruction, and submit a report to the DoD OIG. The report stated that Air Force Major Command IGs and Air Force Wing IGs:

- conducted FVAP inspections at 294 Wing or Wing equivalent units,
- had a 100-percent inspection rate at the installation level, and
- conducted a total of 658 FVAP inspections.

The Air Force IG Report did not explicitly comment on voting assistance program compliance or effectiveness or provide substantive detail on inspection results. In the past, in an effort to encourage substantive statistical detail and consistency, we have informally coordinated with the Military Service IGs on a form entitled “DoD OIG FVAP Report Focus Areas.” The Military Service IGs are not required to use the form. This year, the Army, Naval, and Marine Corps IGs used the form, while the Air Force IG did not. The Air Force IG did not use this format and lacked substantive detail in its report.

10 U.S.C. § 1566 requires that the DoD OIG reports to Congress on the level of compliance and effectiveness during the preceding calendar year of the Military Service voting assistance programs. The calendar year requirement does not apply to the Military Service IGs. The law and the DoD Instruction require only that

the Military Service IGs report to the DoD OIG regarding Military Service voting assistance program every year. The Air Force IG report covered FY 2017 – or the period ending September 30, 2017. Thus, it did not align with our statutory reporting period ending December 31, 2017. (See Finding B in this report.)

We met with representatives of the Air Force Inspector General on December 11, 2017, after the Air Force IG reporting period closed, but before our reporting period closed. At that meeting, the Air Force IG representatives informed us that on November 14, 2017, an Air Force Guidance Memorandum changed Air Force Instruction 36-3107, “Voting Assistance Program.” The memorandum eliminated unit voting assistance officers “effective immediately,” and realigned responsibility for that function to the Installation Voting Assistance Office, staffed by one civilian installation voting assistance officer and one civilian alternate, and supplemented by civilian staff assigned to the installation Airman and Family Readiness Center. For additional information on this topic, see Finding A of this report.

Marine Corps Inspector General

The Marine Corps IG issued its “Annual Assessment of the Marine Corps Federal Voting Assistance Program (FVAP) for Calendar Year (CY) 2017” on January 12, 2018, in accordance with 10 U.S.C. § 1566. The guiding policies for the Marine Corps VAP are DoDI 1000.04 and Marine Corps Order 1742.1B, “Marine Corps Voting Assistance Program.” Based on the results of the inspections and the quarterly voting reports, the Marine Corps IG concluded that the Marine Corps’ VAP complied with established policies and is effective in assisting eligible voters.

The Marine Corps IG based its report on the results of 27 inspections conducted by the Marine Corps IG Inspections Division and 36 inspections conducted by Commanding General IGs. These inspections are conducted at all levels of command and on differing intervals. The Marine Corps IG inspects every Marine Forces Command every 2 years, and every Marine Expeditionary Force, installation, and major subordinate command every 3 years. Commanding General IGs inspect their units every 2 years.

Both the Marine Corps IG and the Commanding General IG used a functional checklist to ensure standardization of every VAP inspection. The inspection process included interviews with major command, installation, and unit voting assistance officers and randomly selected personnel within Marine units. The inspection team reviewed documentation to ensure compliance with Marine Corps orders and directives, and inspected facilities to ensure voting assistance materials are properly displayed.

The Marine Corps IG reported that using the Quarterly Measures of Effectiveness and Performance provides a more accurate representation of the use of voting assistance resources. The quarterly voting reports provided by voting assistance officers and Marine Corps recruiters through the FVAP Portal provide a complete view of the voting assistance that each Marine Corp installation provides.

The Marine Corps IG report concludes that the inspection results and the quarterly voting reports confirm that the Marine Corps VAP is operating in accordance with established policies and is effective in assisting eligible voters. They are confident that Service members and their eligible family members knew about all 2017 special voting events and received assistance for all absentee voting requirements.

Conclusion

Although the Service IGs reported that their respective Services' voting assistance programs were effective, based on the information in their reports, we question their conclusion with regard to the Navy and the Air Force.

The Naval IG reported that:

- The Navy eliminated shipboard (unit) voting assistance officers, a requirement of 10 U.S.C. § 1566 and DoDI 1000.04, Enclosure 4, paragraph 2.f, which may have also resulted in the elimination of shore-based unit voting assistance officers.
- Their end-of-year voting survey of 1,351 Commands received only 171 responses, which may have been insufficient for meaningful analysis.

The Air Force IG:

- did not explicitly comment on voting assistance program compliance or effectiveness,
- did not provide substantive detail in their report about inspection results, and
- eliminated unit voting assistance officers, a requirement of 10 U.S.C. § 1566 and DoDI 1000.04, Enclosure 4, paragraph 2.f,

Finding A

The Navy and Air Force Voting Assistance Programs Did Not Comply With Regulations

The Navy and Air Force voting assistance programs were not compliant with 10 U.S.C. § 1566 or DoD Instruction 1000.04, which require at least one trained military member to be appointed as a unit voting assistance officer in every military unit of 25 or more permanently assigned personnel.

The Navy and Air Force were not compliant because, during the current DoD OIG FVAP “Effectiveness and Compliance” reporting period, both Services changed their voting assistance program and eliminated unit voting assistance officer positions.

As a result, uniformed members of the Navy and Air Force did not have unit voting assistance officers who were trained, equipped, and available in their units to assist unit personnel with voting matters as the law and DoD policy require.

Discussion

10 U.S.C. § 1566, (f) “Voting Assistance Officers” requires that voting assistance officers be appointed under DoD regulations, and that commanders at all levels ensure “unit voting officers” are trained and equipped to provide information and assistance to members of the Armed Forces on voting matters.

DoDI 1000.04, “Federal Voting Assistance Program (FVAP)” is the “Department of Defense regulation” that implements 10 U.S.C. § 1566, (f). The Instruction (Enclosure 4, para. 2.f) requires that at least one military officer or noncommissioned officer “at the O-2/E-7 level or above,” be designated “in writing” as the unit voting assistance officer, and trained to provide voter registration and absentee ballot assistance at the unit level.

Navy Non-Compliance

On July 11, 2017, the Chief of Naval Operations message “Collateral Duties,” released by the Vice Chief of Naval Operations, eliminated the shipboard (unit) voting (assistance) officer “immediately.” The message explained that the elimination of the voting officer and other collateral duty positions was part of a continuous effort to reduce administrative overhead and allow sailors more time to focus on their primary duty of core warfighting. The message stated that “effective immediately,” the voting officer position aboard ships was “no longer required.”

In its February 13, 2018, report, the Naval IG explained that the Chief of Naval Operations message may have been misinterpreted and, in addition to eliminating the voting officer position aboard ships, may have resulted in the elimination of unit voting assistance officers from Navy shore-based units. The Naval IG report suggested this may have had a significant impact. For example, the Naval IG found:

- almost 60 percent of naval units with 25 or more personnel were non-compliant with the requirement to designate a unit voting assistance officer in writing;
- about 64 percent of naval units were non-compliant with the requirement to annually train all uniformed Service members on absentee registration and voting procedures;
- more than 60 percent of naval units were non-compliant with the requirement to provide training and voting assistance for units or personnel preparing to deploy;
- overall, Navy average compliance was only 36 percent; and
- Navy voting assistance program implementation was non-compliant and not effective “due to a lack of Service support.”

For additional discussion on this topic, see the previous Naval Inspector General report summary.

Air Force Non-Compliance

On August 18, 2016, the Secretary of the Air Force and the Air Force Chief of Staff issued a “Memorandum for All Airmen” entitled “Reducing Additional Duties.” The memorandum cited unprecedented operational demands that unit-level additional duties had on readiness and the ability to focus on core missions. The memorandum recognized that some of the additional duties originated from federal statutes and DoD policy, explaining that “rules” provided very little flexibility to Commanders. Nonetheless, the memorandum explained that the Air Force intended to “streamline” the demand that unit-level additional duties placed on readiness and core mission. It also tasked the Air Force Inspector General to ensure all unit inspections were conducted in accordance with the requirement to reduce additional duties.

On November 14, 2017, the Air Force issued “Air Force Guidance Memorandum to AFI 36-3107, Voting Assistance Program.” The Memorandum explained that it was implementing changes to the Air Force Voting Assistance Program to comply with the August 18, 2016, Secretary of the Air Force and Air Force Chief of Staff Memorandum regarding the reduction of additional duties. The November 14, 2017, implementing document eliminated military unit voting assistance officers

“effective immediately,” and realigned the function to the Installation Voting Assistance Office staffed by one civilian installation voting assistance officer and one civilian alternate and supplemented by civilian staff assigned to the installation Airman and Family Readiness Center.

Balancing Non-Compliance with Operational Warfighting Core Mission

Both the Navy and the Air Force were non-compliant with Federal statutes and DoD policy requiring the establishment of unit voting assistance officers. Each Service attributed their decisions to eliminate unit voting assistance officers on resource conflicts between unit-level additional duties such as those of unit voting assistance officer, and carrying out the military core mission of warfighting readiness. In deciding to eliminate additional duties, the Secretary of the Air Force and the Air Force Chief of Staff specifically recognized the potential that any decision to eliminate unit-level additional duties might conflict with “federal statutes” and “Department-wide policy.”

Recommendations, Management Comments, and Our Response

Recommendation A.1

We recommend that the Federal Voting Assistance Program Director, in coordination with the Undersecretary of Defense for Personnel and Readiness, coordinate with the Navy senior service voting representative to bring the Navy voting assistance program into compliance with Section 1566, title 10 United States Code (10 U.S.C. § 1566) “Voting assistance: compliance assessments; assistance” and DoD Instruction 1000.04 “Federal Voting Assistance Program (FVAP)” with regard to unit voting assistance officers.

Recommendation A.2

We recommend that the Federal Voting Assistance Program Director, in coordination with the Undersecretary of Defense for Personnel and Readiness, coordinate with the Air Force senior service voting representative to bring the Air Force voting assistance program into compliance with Section 1566, title 10 United States Code (U.S.C. § 1566) “Voting assistance: compliance assessments; assistance” and DoD Instruction 1000.04 “Federal Voting Assistance Program (FVAP)” with regard to unit voting assistance officers.

Federal Voting Assistance Program Director Comments

The Federal Voting Assistance Program Director agreed with the recommendations, stating that the Federal Voting Assistance Program office would facilitate a discussion with all the Services as part of a working group to address voting assistance officer responsibilities uniformly and in accordance with 10 U.S.C. § 1566. The working group is already established with representatives from each of the Services and will initiate work in April 2018.

Our Response

Comments from the Federal Voting Assistance Program Director addressed all the specifics of the recommendations. Therefore, the recommendations are resolved, but remain open. We will close Recommendations A.1 and A.2 once we verify the satisfactory results of the cited working group.

Finding B

DoD Instruction 1000.04 Requires Clarification or Revision

DoD Instruction 1000.04 does not provide sufficient clarity and guidance to the Services and Agencies about the Federal Voting Assistance Program.

- DoD Instruction 1000.04 excludes civilian U.S. citizens residing outside the United States by limiting the “written voting-related policies” requirement exclusively to “uniformed services personnel and their family members.” Moreover, the provision does not specify what “written voting-related policies” should contain.
- DoD Instruction 1000.04 excludes Defense Components without assigned military from the requirement to develop written voting-related policies supporting all potential UOCAVA voters, including thousands of Defense Agency civilian and contract employees deployed worldwide. The absence of specifics about what Component written voting-related policies should include makes compliance by Defense Components and enforcement by the FVAP Office problematic.
- DoD Instruction 1000.04 allows the Military Service IGs until January 31st of each year to submit their “Annual Effectiveness and Compliance” reports to the DoD OIG. This is only two months before the DoD OIG’s statutory deadline to submit the report to Congress and makes meeting the deadline difficult and problematic.

Discussion

Specific Policy to Support the Entire UOCAVA Voter Population

DoD Instruction 1000.04 Enclosure 4, paragraph 1.a. requires only that DoD Components “develop written voting related policies to support all eligible uniformed services personnel and their family members, including those in deployed, dispersed, and tenant organizations.” As currently stated, the provision:

- does not requires DoD Components to have “written voting-related policies” supporting their deployed civilian and contract employees and
- does not specify what Component “written voting-related policies” should contain.

The UOCAVA Population

Both the UOCAVA and DoD Instruction 1000.04 define the population of potential UOCAVA voters as including:

- uniformed service members on active duty (including their dependents) and
- civilian U.S. citizens residing outside the United States.

DoD Instruction 1000.04, Enclosure 4 paragraph 1.a., excludes the second category of potential UOCAVA voters – civilian U.S. citizens residing outside the United States. Instead, it narrowly focuses the “written voting related policies” requirement exclusively on “uniformed services personnel and their family members.” We asked the FVAP Director about the exclusion of civilians and he explained that DoD Components employ large numbers of civilian personnel overseas who are eligible to vote in the United States, and that it was the FVAP’s intent to cover them.

In follow-up correspondence on December 8, 2017, the FVAP Director emphasized that it was the “intent of DoDI 1000.04 Enclosure 4 to ensure voters qualified under the broad provisions of UOCAVA, and assigned or employed by an OSD Component, (had) access to voting assistance.” He then cited other provisions of the Enclosure that indicated such intent. For example, he explained that DoDI1000.04, Enclosure 4, paragraph 2.c., required an Installation Voter Assistance Office on every military installation, and further required those offices to “ensure that uniformed service members, their voting age dependents, and overseas DoD civilians are provided proper voting assistance.”

As indicated earlier, one objective of our report was to determine whether DoD Agencies complied with the DoD Instruction 1000.04 Enclosure 4, paragraph 1.a. requirement. To accomplish our objective we asked 19 Defense Agencies to send us their written voting-related policy. Only three Agencies – the Defense Commissary Agency, the Defense Intelligence Agency, and the Missile Defense Agency – had a written voting related policy. Fourteen Agencies were non-compliant for a variety of reasons. Two Agencies – the Defense Contract Audit Agency and Defense Security Services – said the provision did not apply to them because they were a civilian agency with no military personnel. The exclusion of “civilian U.S. citizens residing outside the United States,” has therefore resulted in some DoD Components not having written voting assistance policies supporting overseas deployed civilians. The FVAP Director stated that the FVAP Office was currently preparing to revise the Instruction for reissue in 2020.

Vague Requirements

DoD Instruction 1000.04 Enclosure 4, paragraph 1.a. required only that DoD Components “Develop written voting-related policies to support all eligible uniformed services personnel and their family members.” It did not specify what should be included in those “written voting-related policies.” So we used the following criteria for determining compliance with the written policy:

- Was the policy written?
- Did it pertain to UOCAVA voters? (Rather than, for example, a policy granting local Federal employees time off on Election Day to allow them to vote at their local polling place.)
- Did it predate our request?

As previously indicated, only three Agencies had complying voting-related policies and all three policies referenced the FVAP.

- The Defense Commissary Agency issued its policy in an October 12, 2017, memorandum to all employees granting local employees Election Day time off to vote at their local polling place. A three-line paragraph at the end of the memorandum simply referred absentee overseas employees to the FVAP website or their state election website.
- The Defense Intelligence Agency contained its policy in an overarching November 20, 2015, Instruction on “Military Personnel Administration.” The 27-page document contained a single 8-line paragraph entitled “Federal Voting Assistance Program (FVAP).” That paragraph required leaders of Defense Intelligence Agency elements to support FVAP by appointing sufficient voting assistance officers, and urged “military members” to vote.
- The Missile Defense Agency policy consisted of a January 22, 2016, memorandum for all “Military Personnel” entitled “Opportunity to Vote during the 2016 Elections.” It referenced DoD Instruction 1000.04, “Federal Voting Assistance Program (FVAP),” September 13, 2012.

Because DoD Instruction 1000.04 Enclosure 4, paragraph 1.a. did not specify what “written voting-related policies” for DoD Agencies should include, we could not determine what impact this had on program effectiveness.

The DoD Inspector General Annual Report to Congress

10 U.S.C. § 1566 specifically requires the DoD OIG to report, by March 31st each year, on the effectiveness of the FVAP and the voting assistance programs of the Army, Navy, Air Force, and Marine Corps. It also requires the Military Service IGs to annually review the compliance and effectiveness of their Service’s voting assistance programs and report the results to the DoD OIG, in time each year, to

be reflected in the DoD IG's March 31 report to Congress. The annual evaluation by the DoD OIG routinely includes evaluating the effectiveness of program policy documents, such as DoD Instruction 1000.04.

DoD Instruction 1000.04 states that the Services will report FVAP program status to the DoD OIG by January 31 each year. Although the DoD OIG took no position on this suspense date when the DoDI was last updated in 2012, our experience since then has shown that the suspense imposed by the DoD Instruction makes it exceedingly difficult for the DoD OIG to analyze the results of the Service reports and to submit the statutory report to the Congress by March 31 each year. An earlier suspense for the Services to report their FVAP program status will still provide the necessary information to the DoD OIG and make it easier to meet the March 31st statutory suspense.

In the past, in an effort to standardize annual Military Service IG reports, the DoD OIG has coordinated a reporting format with the Military Service IG. The form provides standardization and substantial detail. The Military Service IGs are not required to use the form. This year, the Army, Naval, and Marine Corps IGs used the form. The Air Force IG did not use this format and lacked substantive detail in its report.

For additional information, see Prior Reporting, Scope and Methodology and Use of Computer Processed Data.

Recommendations, Management Comments, and Our Response

Recommendation B.1

We recommend that the Federal Voting Assistance Program Director, in coordination with the Undersecretary of Defense for Personnel and Readiness, clarify or revise DoD Instruction 1000.04 to:

- a. ensure that all elements of The Uniformed and Overseas Citizens Absentee Voting Act population, including all eligible civilian U.S. citizens residing outside the United States, are included in all provisions of Department of Defense Instruction 1000.04 "Federal Voting Assistance Program (FVAP),"**
- b. specify what guidance "written voting-related policies" should contain, and**
- c. establish a standardized reporting format for the Service Inspectors General annual voting assistance program report to the DoD OIG.**

Federal Voting Assistance Program Director Comments

The Federal Voting Assistance Program Director agreed with the recommendations, stating that the Federal Voting Assistance Program office would modify the next version of DoDI 1000.04 to clarify its intent for ensuring DoD civilians are afforded opportunities for voting assistance. The FVAP office would provide detail on expectations for establishing corresponding actions plans within the DoD. The Director also noted that the FVAP office works effectively with the State Department to support the larger non-DoD affiliated overseas citizen population. The FVAP Director also concurred with our recommendation to establish a standardized reporting format for the Service IGs' annual voting assistance program reports to the DoD OIG. He explained that the FVAP office would include a provision in the next iteration of DoDI 1000.04 for standardizing voting assistance program reporting.

Our Response

Comments from the Federal Voting Assistance Program Director addressed all the specifics of the recommendations. Therefore, the recommendations are resolved, but remain open. We will close Recommendations B.1.a, b, and c once we verify the appropriate modifications to DoDI 1000.04.

Recommendation B.2

We recommend that the Federal Voting Assistance Program Director, in coordination with the Undersecretary of Defense for Personnel and Readiness, clarify or revise DoD Instruction 1000.04 Enclosure 4, paragraph 2.n. to require that the Inspectors General of the Army, Navy, Air Force, and Marine Corps complete their annual reviews and report the results to the DoD IG by December 1 of each year.

Federal Voting Assistance Program Director Comments

The Federal Voting Assistance Program Director agreed with the recommendation, stating that the Federal Voting Assistance Program office would modify the next version of DoDI 1000.04 to better support the receipt of the Service IGs annual reviews by December 1 of each year.

Our Response

Comments from the Federal Voting Assistance Program Director addressed all the specifics of the recommendation. Therefore, the recommendation is resolved, but remains open. We will close Recommendation B.2 once we verify the appropriate modifications to DoDI 1000.04.

Appendix A

Scope and Methodology

We conducted this evaluation in accordance with the “Quality Standards for Inspection and Evaluation” published by the Council of the Inspectors General on Integrity and Efficiency in January 2012. Those standards require that we plan and perform the evaluation to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings, conclusions, and recommendations based on our evaluation objectives. We believe that the evidence obtained provides a reasonable basis for our findings, conclusions, and recommendations, based on our evaluation.

In accordance with our responsibilities under 10 U.S.C. § 1566, our evaluation covered the period of January 1 thru December 31, 2017. In addition to the Council of the Inspectors General on Integrity and Efficiency’s “Quality Standards for Inspection and Evaluation” and 10 U.S.C. § 1566, we also performed work in accordance with the Inspector General Act of 1978 (P.L. 95-452). The Inspector General Act requires that we be independent of management, and avoid duplication by coordinating with the GAO, other Federal IGs, Military Service IGs, and other Federal entities. To avoid duplication and repetition of extensive existing work – including our own – we:

- analyzed previous or ongoing oversight activity and reporting, and
- limited this report to reviewing and summarizing Military Service IG reports for the covered period and reviewing Defense Agency compliance with the applicable provisions of DoDI 1000.04, as specified in the objective paragraph.

To accomplish our objectives, we reviewed relevant laws, policies, DoD Instructions, military regulations and other appropriate documents. We reviewed and summarized the annual reports submitted to us by the Inspectors General of the Army, Navy, Air Force, and Marine Corps, in accordance with their obligation under 10 U.S.C. § 1566. We reviewed reports prepared by the Federal Voting Assistance Program Office, including their annual report to Congress on the effectiveness of activities carried out under the UOCAVA, and, to avoid duplication, we reviewed relevant reports by other oversight organizations, including the GAO and the U.S. Election Assistance Commission. (For additional information on these reports, see Appendix B, Prior Coverage.)

We also spoke with the FVAP Director and members of his staff, Military Service IG representatives, senior Service voting representatives, and select Defense Agency representatives. We selected “Agencies” as representative of civilian DoD Components and selected the 19 Agencies from information on DoD organizational structure provided by Washington Headquarters Services.

Limitations

10 U.S.C. §1566 requires the Inspectors General of the Army, Navy, Air Force, and Marine Corps to annually review their Service's voting assistance program, and submit an "Annual Effectiveness and Compliance" report to the DoD OIG in time to be reflected in the DoD OIG's annual March 31 report to Congress. DoDI 1000.04 gives the Military Service IGs relief from the statutory requirement by specifying that Military Service IGs are not required to submit their reports to the DoD IG until January 31 – only 2 months before the DoD OIG's statutory deadline. As a result of the limited timeframe imposed by DoDI 1000.04, our ability to review, test, or examine Military Service IG reports is constrained. Moreover, in the event Military Service IG reports are late – as was the case this year with the Naval IG report – the constraint on our work is exacerbated. To accommodate the general constraint imposed by DoDI 1000.04, and this year, late reporting by the Naval IG, this report only summarizes Military Service IG reports; it makes no representation of their accuracy or completeness. Nonetheless, we did review reports for consistency and reasonableness, and were alert to any evidence that could bring the report conclusions into question. For additional discussion concerning limitations imposed on our work, see Finding B of this report.

Use of Computer-Processed Data

As indicated in the Scope and Methodology section, to accomplish our objectives and avoid duplication, we reviewed relevant reports prepared by other oversight organizations including the GAO and the United States EAC. Those reports relied extensively on computer-processed data as a basis for their conclusions. However, we did not examine the data underlying those reports to determine reliability. Rather we relied on the data purpose and source in determining the need for a data reliability assessment.

The GAO Guide "Assessing the Reliability of Computer-Processed Data (July 2009)," explains that reports do not need a data reliability assessment if data is presented as "context" for a report. The Guide specifies "the size of a program" reviewed as an example. But, the Guide also stipulates that project work must ensure data comes from the best available source, and cites the U.S. Census as a reliable source not requiring a data reliability assessment.

We presented data from the GAO and the EAC as "context" for our report, and consider the GAO and EAC – in conjunction with the Defense Manpower Data Center (DMDC) – reliable sources. Accordingly, we did not perform a data reliability assessment on data we presented from GAO and EAC reports. However, we did review the reports for consistency and reasonableness, and were alert to any evidence that could bring data reliability into question.

Both EAC reports we identified in Prior Coverage (“The EAC 2014 Election Administration and Voting Survey Comprehensive Report – A Report to the 114th Congress,” June 30, 2015, and “The Election Administration and Voting Survey – 2016 Comprehensive Report – A Report to the 115th Congress,” June 29, 2017) discussed data reliability issues. The 2014 report identified data reliability concerns associated with data collection and reporting by the individual states, and variances in EAC and DMDC data caused by statistical adjustments and survey weighting. The 2016 report discussed survey response errors, such as:

- errors survey respondents made when “copying and pasting,”
- errors in the number of absentee ballots voting jurisdictions transmitted to voters,
- errors in the number of ballots absentee voters submitted to their voting jurisdictions,
- errors in the number of absentee ballots voting jurisdictions counted or rejected, and
- mathematical errors in the sum of ballots counted or rejected when compared to ballots received.

The GAO report we identify in Prior Coverage, (GAO Report No. GAO-16-378 “DOD Needs More Comprehensive Planning to Address Military and Overseas Absentee Voting Challenges,” April 20, 2016), also discussed FVAP data reliability issues. Those issues included “inadequate capacity in data collection and analysis and DMDC concerns that ballots received (by local voting jurisdictions) did not always perfectly sum with ballots received and ballots rejected. Nonetheless, the GAO determined that FVAP data, in coordination “with the Defense Manpower Data Center and the Election Assistance Commission, were sufficiently reliable for purposes of [the GAO] report.” Accordingly, we relied on the GAO data reliability assessment for our report.

The Service IGs also used computer-processed data to generate their annual reports to the DoD OIG. As we previously indicated in the Scope and Methodology section, the limited 2-month timeframe imposed by DoDI 1000.04 constrained our ability to substantively review, test, or examine Military Service IG reports. Accordingly, we could not test or examine the data underlying Military Service IG reports, and we make no representation of its sufficiency or accuracy.

Appendix B

Prior Coverage

During the past 5 years the GAO, the DoD OIG, the U.S. EAC, and others have issued numerous reports discussing voting support to UOCAVA voters. Unrestricted GAO reports may be accessed at <http://www.gao.gov>. Unrestricted DoD OIG reports may be accessed at <http://www.dodig.mil/pubs/index.cfm>. Unrestricted EAC report may be accessed at <https://www.eac.gov/research-and-data/election-administration-voting-survey>.

Government Accountability Office

GAO Report No. GAO-16-378 “DOD Needs More Comprehensive Planning to Address Military and Overseas Absentee Voting Challenges,” April 20, 2016.

According to the GAO, the DoD estimated the number of UOCAVA voters at more than 6 million U.S. citizens. The GAO reported that local election offices rejected UOCAVA voter ballots at about a 6-percent rate, while at the same time rejecting non-UOCAVA voter ballots at only about a 1-percent rate. The report explained that the discrepancy was caused primarily by local election offices receiving overseas ballots after ballot receipt deadlines. While the GAO found that the DoD had taken steps to improve military and overseas absentee voting assistance, it concluded two longstanding issues remained. First, UOCAVA voters were not fully aware of FVAP resources intended to help them register, vote, and have their vote counted. Second, mail delivery from overseas locations was unpredictable.

DoD OIG

DoD OIG Report No. DoDIG-2012-123, “Assessment of the Federal Voting Assistance Program Implementation of the Military and Overseas Voter Empowerment Act,” August 31, 2012.

The report focused on (1) the sufficiency of survey data in assessing voting assistance program effectiveness, and (2) the statutory requirement to establish an “Installation Voting Assistance Office” on every military installation worldwide. The report concluded that data-driven analysis would be more credible if more than 15 percent of military personnel responded. The report also concluded that the Military Services had not established all mandated Installation Voting Assistance Offices because, as FVAP officials explained, the offices were not funded, and online or social media methods provided cost-effective alternatives to reach and assist the relatively young military population.

DoD OIG Report No. D2015-135 “Assessment of Electronic Absentee System for Elections (EASE) Grants,” June 30, 2015.

The report explained that the objective was to determine whether recipients of Electronic Absentee System for Elections (EASE) 2.0 grants inappropriately used grant funds to develop systems for the electronic return of a marked ballot. It determined how the DoD Federal Voting Assistance Program (FVAP) office accounted for about \$85 million in Research, Development, Test, and Evaluation (RDT&E) funds received between 2009 and 2013. Additionally, the assessment reviewed how FVAP accounted for about \$85.7 million in RDT&E funds requested between FY 2010 and FY 2013. No RDT&E funds were requested for FY 2009. FVAP used these RDT&E funds to execute the EASE and EASE 2.0 grant programs, and about 10 other RDT&E-funded projects to support FVAP’s mission of providing support to military and overseas voters.

DoD OIG Annual Reports on the DoD FVAP.

As required by 10 U.S.C. § 1566, the DoD OIG reports annually on the effectiveness of voting assistance programs and compliance with the voting assistance programs of the Army, Navy, Air Force, and Marine Corps. As appropriate, these reports make recommendations to address program challenges and to improve program support for absent military personnel, their dependents, and other overseas voters. The DoD OIG annual reports issued for the last 5 years are as follows:

- DODIG-2017-071, “Assessment of DoD Voting Assistance Programs for Calendar Year 2016,” March 2017
- DODIG-2016-071, “Assessment of DoD Voting Assistance Programs for Calendar Year 2015,” March 2016
- DODIG-2015-098, “Assessment of DoD Voting Assistance Programs for Calendar Year 2014,” March 2015
- DODIG-2014-051, “Assessment of DoD Voting Assistance Programs for Calendar Year 2013,” March 2014
- DODIG-2013-074, “Assessment of DoD Voting Assistance Programs for Calendar Year 2012,” April 2013

U.S. Election Assistance Commission

“The EAC 2014 Election Administration and Voting Survey Comprehensive Report – A Report to the 114th Congress,” June 30, 2015.

This report explained that, under a memorandum of understanding with the FVAP, both the EAC and FVAP reported data on UOCAVA voters using the EAC’s “Election Administration and Voting Survey.” The report further

explained that the EAC administered the survey and transmitted it to the FVAP unedited. It qualified that EAC and FVAP reported slightly different statistics because the Defense Manpower Data Center, working in conjunction with the FVAP Office, performed statistical adjustments, including editing and survey weighting. The EAC report also identified survey data reliability concerns associated with data collection and reporting by the individual states, and cautioned against year-to-year data comparison because of changing state data collection practices. Notwithstanding data reliability issues, for the 2014 election, the EAC reported that UOCAVA voter participation was relatively low, that States transmitted 420,094 ballots to UOCAVA voters, and that of that number 51.4 percent went to civilians, 46.0 percent went to uniformed service members, and the military or civilian status of the remaining 2.5 percent UOCAVA voters was unknown. The EAC report stated that 145,509 (34.6 percent) of the UOCAVA ballots transmitted were returned for counting and, of those, jurisdictions counted 137,683 (94.6 percent) and rejected 8,492 (5.8 percent). The EAC also reported that the most common reason for rejecting ballots was that the jurisdiction did not receive the ballot on time.

The Election Administration and Voting Survey – 2016 Comprehensive Report – A Report to the 115th Congress, June 29, 2017.

The EAC report reiterated that beginning in 2014, the EAC and FVAP consolidated their UOCAVA data collection efforts using the Election Administration and Voting Survey as the sole data collection method. The survey methodology section again identified reliability concerns associated with state data collection, input, and validation. Notwithstanding data reliability concerns, the EAC reported that for the 2016 Presidential election, UOCAVA voter participation was slightly lower than during the 2012 Presidential election. States transmitted 930,156 ballots to UOCAVA voters and, of that number, 51.4 percent went to U.S. civilians living overseas, 39.6 percent went to uniformed service members, and the remaining 9 percent went to persons whose military or civilian status was unknown. The EAC report also stated that of the UOCAVA ballots transmitted, 68.1 percent were returned for counting and, of those, 97.2 percent were counted and only 2.8 percent were rejected. Again, the EAC reported that the most common reason for rejection was that the jurisdiction did not receive the ballot on time.

Military Service Inspector General Reports

Military Service Inspector General Annual Reports on Military Service Voting Assistance Programs.

As required by 10 U.S.C. § 1566, the Inspectors General of the Army, Navy, Air Force, and Marine Corps report annually on the effectiveness of their respective Service's voting assistance program and whether their respective Service is complying with its own voting assistance program provisions. When applicable, the reports make recommendations to address program challenges and identify opportunities to improve program support for Service personnel, family members, and Department civilian employees who, by reason of service, are absent from the location where they are otherwise qualified to vote.

Management Comments

Federal Voting Assistance Program Director



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FEDERAL VOTING ASSISTANCE PROGRAM
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ALEXANDRIA, VA 22350-4000

MAR 19 2018

MEMORANDUM FOR DEPUTY INSPECTOR GENERAL, STRATEGIC PLANS AND OPERATIONS

SUBJECT: Response to Final Report on "Assessment of DoD Voting Assistance Programs for Calendar Year 2017," March 31, 2018, Report No. D2018-D00SPO-0021.000

Thank you for the opportunity to comment on the report. In response to the findings and associated recommendations contained in your report, we provide the following responses:

- **Recommendation A.1:** We recommend that the Director, Federal Voting Assistance Program, in coordination with the Under Secretary of Defense for Personnel and Readiness, coordinate with the Navy senior service voting representative to bring the Navy voting assistance program into compliance with Section 1566, title 10 United States Code (U.S.C. 1566) "Voting assistance: compliance assessments; assistance;" and DoD Instruction 1000.04 "Federal Voting Assistance Program (FVAP)" with regard to unit voting assistance officers.
- **Concur:** FVAP will facilitate a discussion with all of the Services as part of a designated working group to address voting assistance officer responsibilities uniformly and in accordance with 10 U.S.C. 1566. This working group is already established with representatives from each of the Services and will initiate its work on April 12, 2018, to assist with modifying the next iteration of DoDI 1000.04.
- **Recommendation A.2:** We recommend that the Director, Federal Voting Assistance Program, in coordination with the Under Secretary of Defense for Personnel and Readiness, coordinate with the Air Force senior service voting representative to bring the Air Force voting assistance program into compliance with Section 1566, title 10 United States Code (U.S.C. 1566) "Voting assistance: compliance assessments; assistance;" and DoD Instruction 1000.04 "Federal Voting Assistance Program (FVAP)" with regard to unit voting assistance officers.
- **Concur:** FVAP will facilitate a discussion with all of the Services as part of a designated working group to address voting assistance officer responsibilities uniformly and in accordance with 10 U.S.C. 1566. This working group is already established with representatives from each of the Services and will initiate its work on April 12, 2018, to assist with modifying the next iteration of DoDI 1000.04.
- **Recommendation B.1a, b & c:** We recommend that the Director, Federal Voting Assistance Program, in coordination with the Under Secretary of Defense for Personnel and Readiness clarify or revise DoD Instruction 1000.04 to:
 - Ensure that all elements of The Uniformed and Overseas Citizen Absentee Voting Act population, including all eligible civilian U.S. citizens residing outside the United States, are included in all provisions of Department of Defense Instruction (DoDI) 1000.04 "Federal Voting Assistance Program (FVAP)".
 - Specify what guidance "written voting related policies" should contain and

- Establish a standardized reporting format for the Service's annual FVAP report to the DoD OIG.
- **Concur:** FVAP will modify the next iteration of DoDI 1000.04 to clarify its intent for ensuring DoD civilians are afforded opportunities for voting assistance. FVAP will provide clarity on expectations for establishing corresponding action plans for this population within the Department; however, it should be noted that FVAP works effectively with the State Department through its own communication methods to support the larger non-DoD affiliated overseas citizen population. FVAP will include a provision in the next iteration of DoDI 1000.04 for standardizing voting assistance program reporting to meet Congressional reporting requirements for FVAP and DoDIG.
- **Recommendation B.2:** We recommend that the Director, Federal Voting Assistance Program, in coordination with the Under Secretary of Defense for Personnel and Readiness clarify or revise DoD Instruction 1000.04 Enclosure 4, paragraph 2.n. to make the requirement consistent with 10 U.S.C. 1566. Specifically, require that the Inspectors General of the Army, Navy, Air Force and Marine Corps complete their annual reviews and report the results to the DoDIG by December 1 of each year.
- **Concur:** FVAP will modify the next iteration of DoDI 1000.04 to better support the receipt of Service Inspectors General annual reviews by December 1 of each year.

Please note that FVAP's concurrence on these recommendations is premised on the final adoption of a revised DoDI 1000.04. To the extent practicable, FVAP will adopt this revision for the 2020 election cycle.



David Beirne
Director

Acronyms and Abbreviations

- DAIG** Department of the Army Inspector General
- DoDI** Department of Defense Instruction
- EAC** Election Assistance Commission
- FVAP** Federal Voting Assistance Program
- UOCAVA** The Uniformed and Overseas Citizens Absentee Voting Act
- VAP** Voting Assistance Program

Whistleblower Protection

U.S. DEPARTMENT OF DEFENSE

The Whistleblower Protection Ombudsman's role is to educate agency employees about prohibitions on retaliation and employees' rights and remedies available for reprisal. The DoD Hotline Director is the designated ombudsman. For more information, please visit the Whistleblower webpage at www.dodig.mil/Components/Administrative-Investigations/DoD-Hotline/.

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