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William C. Campbell
Woburn City Clerk

September 15, 2011

2011 SEP 21 A 10:44

OFFICE OF THE CITY CLERK
CAMBRIDGE, MASSACHUSETTS

D. Margaret Drury, City Clerk
Cambridge City Hall
795 Massachusetts Avenue
Cambridge, MA 02139-3201

Dear Clerk Drury:

Enclosed please find a proposed Resolution in support of H1972 "An Act Regulating Election Primaries" now pending before the General Court at the State House. I request that you place this matter on the agenda before your City Council or Board of Alderman for action.

Adoption of H1972 will ensure that the votes of our troops serving overseas will count on election day and will save taxpayers at least $8,000,000.00 by streamlining elections. The Department of Defense Federal Voting Assistance Program (FVAP), in written testimony supporting the bill, noted that the bill is in line with federal law and is also in line with a number of states that have recently moved their primary elections earlier in the year to comply with the federal requirement. The FVAP testimony concluded **"passing HB1972 will significantly improve voter success for many military members, overseas voters, and their families."**

In the 2010 State election, the Commonwealth requested a waiver from the federal MOVE Act, which requires that, at least 45 days before an election, ballots be sent to Americans overseas. The only reason for the Secretary's waiver request was "due to a late primary." The temporary solution was a bill that allowed our troops to vote by fax or email, but the voter was required to sign a statement waiving his or her right to a secret ballot.

Deadlines for the 2012 election are approaching quickly. To be effective, this bill has to be passed soon. **The support of your Aldermen or Councilmen now will move the bill forward.** It is important that our state legislators hear from their constituents of their support for H1972. More importantly, our troops deserve to know that their votes count.

A bill summary and a copy of the FVAP testimony are enclosed. If I can provide any additional information, please feel free to contact me.

Thank you for your support in moving along this important legislation.

Very truly yours,

William C. Campbell

P.O. Box 2, Woburn, Massachusetts 01801
wcampbell40@yahoo.com

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[illegible]

RESOLVED

Whereas, according to the Department of Defense Federal Voting Assistance Program (FVAP), there are 11,691 active military duty Massachusetts residents residing overseas; and

Whereas, for the November 2010 election, Massachusetts requested a waiver from a requirement of the Military and Overseas Voter Empowerment Act (the MOVE Act) to send absentee ballots to Americans overseas at least 45 days before an election "due to a late primary"; and

Whereas, a report by the Secretary of the Commonwealth revealed that in the November 2010 election only 400 ballots from Massachusetts active duty military personnel stationed overseas were counted; and

Whereas, the General Court is considering H1972 "An Act Regulating State Primaries", a bill that moves the state primary to allow Massachusetts residents residing overseas to vote privately and securely, and combines the presidential primary with the state primary to save taxpayers at least $8,000,000.00; and

Whereas, a number of states have moved their primary dates earlier in the year to comply with the federal MOVE Act and to provide relief to taxpayers by reducing the cost of elections; and

Whereas, the Massachusetts state primary scheduled for September 18, 2012 stands alone as the last state primary in the country in 2012; and

Whereas, in written testimony the FVAP concluded "passing HB1972 will significantly improve voter success for many military members, overseas voters, and their families"; and

Whereas, HB1972 simplifies the election process, decreases the opportunity for "voter fatigue", reduces the cost of elections for taxpayers, and establishes fairness among candidates;

Now, Therefore, Be It Resolved by the _____ of the [Town/City] of _____ that the [Town/City] of _____ supports the adoption of HB1972 "An Act Regulating Election Primaries" pending before the 187th General Court of the Commonwealth of Massachusetts and directs the [Town/City] Clerk to transmit a copy of this action to the municipality's State Delegation and to the Joint Committee on Election Laws.

H1972 - An Act Regulating Election Primaries
Executive Summary

Purpose:

1. To increase the time between the State Primary and State Election so that military personnel and Massachusetts residents residing overseas can vote without having to waive their right to a secret ballot.
2. To save the Commonwealth and communities at least $8,000,000.00 by consolidating elections.
3. To simplify the election process, decrease opportunity for "voter fatigue" and establish fairness among candidates.

Executive Summary:

1. Moves the state primary to the first Tuesday in June. This will increase the time to mail ballots to military personnel and other residents of Massachusetts stationed or residing overseas. The trend across the country has been to move the primary earlier in the year to comply with the requirements of the Military and Overseas Voter Empowerment Act (the MOVE Act). The MOVE Act requires that absentee ballots be transmitted to voters at least 45 days before an election.

2. Moves presidential primary to the first Tuesday in June. Combining the state election and presidential primary into one day will result in savings of at least $8,000,000.00 ($3,500,000.00 for the state according to testimony of the Secretary of the Commonwealth before the General Court and a minimum of $4,500,000.00 based on the State Auditor's reimbursement to municipalities following the January 2010 special election). This will place Massachusetts towards the end of the presidential primary schedule and could draw the attention sought in the event of a primary season without a clear front-runner in the major parties. In 2008, the election was moved from March to February so that the primary coincided with the so-called Super Tuesday. It did not have the anticipated effect of drawing attention to the state in view of the large number of primaries held on that day. California has moved its presidential primary and state primary to the first Tuesday after the first Monday in June for fiscal reasons. Combining the state primary with the presidential primary in Massachusetts makes fiscal sense.

3. Establishes a new method of selecting political party ward and town committee members and eliminates the primary ballot method of selecting the ward and town committee members. The outdated primary method is costly in that it requires significant ballot design and voting machine programming expenses. For example, looking at voting machine coding costs in the 2008 election cycle, the City of Woburn paid $1,474.00 for coding the September primary, $1,330.00 for coding of the November general election, but the February presidential primary with ward committees on the ballot cost the city $3,807.00 for voting machine coding. The

state committeeman and state committeewoman will continue to be selected by primary ballot. The respective state committees will then oversee the selection of ward and town committee members based on a system of rules and procedures established by the party and filed with the Secretary of the Commonwealth.

4. Brings greater consistency to deadlines relating to elections and nominations across all elections and for all candidates.

5. Requires unenrolled candidates for office to meet the same filing deadlines as for party candidates. For example, currently, party candidates for statewide office have to file nomination papers in early May while unenrolled candidates have until early August to file nomination papers. This proposal would create consistency among all candidates as well as ensuring that ballots can be printed and transmitted to be sent out in compliance with the MOVE Act.

6. Most community polling places are located in schools. Every election day causes disruption to the educational process and increases security issues in the schools. Although relationships are cooperative, many municipal chief election officials have been advised by their local school departments that alternative locations other than the schools should be sought. Limiting the number of elections held in a year could reduce this friction and reduce these concerns.

7. March is a challenging month to conduct elections as the election is held early in the month and winter weather conditions such as snow and ice are still a concern. In addition, the vast majority of poll workers are retired citizens, many of whom travel to Florida and other warm weather locations during the winter months. Election officials often struggle with filling the void created by so-called "snow birds" for March elections. Labor unions, political parties, stay at home mothers and senior citizens for many years filled the role of poll workers. However, as cultural conditions have changed the bulk of election workers now come from the retired citizens pool.

Prepared by: *William C. Campbell, Woburn City Clerk*
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Rev .September 6, 2011

FEDERAL VOTING ASSISTANCE PROGRAM
Department of Defense
Rosslyn Plaza North
1777 North Kent Street
14th Floor, Suite 14003
Arlington, VA 22209-2162

May 10, 2011

The Honorable Barry Finegold
Senate Chairman, Joint Committee on Election Law
The Honorable Michael Moran
House Chairman, Joint Committee on Election Law
Commonwealth of Massachusetts
State House, Room 443
Boston, MA 01233

Re: Attached Written Testimony in Support of HB 1972

Dear Senator Finegold and Representative Moran:

Attached please find a copy of written testimony from Scott Wiedmann, Deputy Director of the Federal Voting Assistance Program in support of HB 1972, which we understand will be heard tomorrow in the Joint Committee on Election Law.

Many thanks for your consideration of our testimony.

Sincerely,

QUINN.CAMERON.P.1397545870

Digitally signed by QUINN.CAMERON.P.1397545870
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI, ou=DODHRA, cn=QUINN.CAMERON.P.1397545870
Date: 2011.05.10 18:59:23 -04'00'

Cameron P. Quinn
Senior Policy Analyst

FEDERAL VOTING ASSISTANCE PROGRAM
Department of Defense
Rosslyn Plaza North
1777 North Kent Street
14th Floor, Suite 14003
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Written Testimony

May 2011
In support of HB 1972
From
Scott Wiedmann - Deputy Director
Federal Voting Assistance Program
U.S. Department of Defense

The Federal Voting Assistance Program (FVAP) of the US Department of Defense presents this written testimony in support of a bill before the Legislature of the Commonwealth of Massachusetts to move its primary from September to June of federal election years. FVAP was created to assist military and overseas civilian voters to effectively cast a ballot and to have it counted.

We submit this testimony in an effort to assist our targeted voting population during elections in Massachusetts -- the 11,691 men and women of the armed services, and their 3,899 spouses and voting age dependents, as well as those citizens of Massachusetts who are overseas on Election Day, whether federal workers, Peace Corps Volunteers, business men and women, missionaries or students abroad.

Late last month FVAP sent letters to Speaker DeLeo, Senator Murray, and Secretary of State Galvin in which FVAP outlined three legislative initiatives that are recommended, but still lacking, in Massachusetts Code. Adoption of HB 1972 would significantly improve the possibility that Massachusetts' military and overseas citizens will be able to successfully mark and return a ballot and have it counted in the upcoming presidential elections in 2012.

The Problem

As President Truman recognized in 1952, the men and women of the armed forces, "in many cases risking their lives, deserve above all others to exercise the right to vote."[1] For over half a century, this still remains a significant problem for this nation. Congress has determined that it is the right of absent uniformed services voters and overseas voters to vote by absentee ballot in all elections for federal office. Congress has codified this right through the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA), as amended in 2009, by the Military and Overseas Voter Empowerment Act

[1] March 28, 1952 letter from President Truman to Congress, contained in the 1952 Report of the Subcommittee on Elections, Committee on House Administration, U.S. House of Representatives.

(MOVE Act), and by other federal legislation. As Congress has stated: "All eligible American voters should have an equal opportunity to cast a vote and have their vote counted."[2]

Military and overseas voters still face many challenges almost 60 years after President Truman's concern. FVAP's 2008 Report to Congress indicates the existence of a significant discrepancy in the number of successfully returned ballots between the stateside non-UOCAVA absentee voting population (91% return rate) and the UOCAVA absentee voters, of whom only 67% were able to successfully return their ballots in U.S. elections.

The overwhelming area of failure in the absentee voting process for UOCAVA voters, comprising the military, their spouses and voting age dependents and overseas citizens, was not registration problems or absentee ballot application failures, but, primarily, ballot return problems and, secondarily, voted ballots that were returned by UOCAVA voters, but not counted, usually because they arrived back too late. In fact, FVAP's surveys indicate that over 78% of all UOCAVA voting problems fell into these two areas.

FVAP's goal is that military and overseas voters have the same absentee ballot return and acceptance rate as the general absentee voter population. Towards that end, States need to address a variety of problems facing UOCAVA voters, such as:

- Difficulty in registering to vote from outside the State;
- Frequent address changes among military voters;
- Slow mail delivery that causes ballots and ballot applications to arrive late or not at all;
- Difficulty in obtaining information about candidates or issues from outside the State, particularly when internet access is spotty or non-existent;
- Inability to comply with witness or verification procedures in places where there may not be other Americans, much less voters from the same State; and
- A voter's unintentional failure to properly comply with seemingly insignificant requirements to vote absentee, such as the use of "8 1/2 x 11" size paper, in a location where the available standard paper size is different.

The challenges to voting presented to military and overseas citizens are myriad. Finding the forms to register or to apply for an absentee ballot, whether on paper or online, and then returning these forms can be a challenge. Even more difficult, however, is timely receipt and return of absentee ballots. Many of the problems faced are often not the fault of the military or overseas voter; these can be, for example, postal delays when a Peace Corps volunteer uses foreign postal services, or postal delays for military serving on the front lines or on ships at sea, when the military postal service is also the transportation/delivery network for food, ammunition, medical supplies and other wartime essentials. Other minor challenges, but still significant barriers to participation when they arise, include the inability of the voter to find a proper witness under state law, the inability to properly print forms when the paper available overseas does not match stateside paper size or layout, difficulty in determining who is the proper local election official, or who the general election political nominees are when access to the internet is minimal or non-existent. Different military and overseas voters face unique challenges, and, therefore, the best solutions are multiple solutions. Providing emailed blank ballots assists some voters;

[2] Pub. L. 107-107

making blank ballots available for a military or overseas citizen to access online and print out at the cyber-café, simplifies the voting process for other voters; some voters can use fax, but many cannot.

Most overwhelming are the logistical challenges presented by the transit by mail of paper applications and ballots. FVAP acknowledges that there are significant logistical challenges for state officials to send ballots at least 45 days in advance. Yet, for some UOCAVA voters, ballots sent 45 days in advance by mail may still not give them enough time to vote. In November 2008, MPSA, the military postal service agency, recommended on its website the allowance of a period of 28 days for a one-way transit of mail to Iraq and Afghanistan. The average Priority mail delivery times to aircraft carriers frequently exceed two weeks; and carriers are the first stop in mail distribution to the smaller ships in a carrier battle group. If a soldier or sailor is at the end of this logistics distribution chain and cannot open, act upon and return mail during the short time that the mail delivery personnel are in the area, it can be weeks before this voter is again able to post his/her ballot for return.

FVAP does want to acknowledge the hard work and innovative comprehensive plan for UOCAVA voters that was implemented in 2010 by Massachusetts' elections officials. Use of priority mail both to voters and for voters to return their ballots did assist in allowing more voters than otherwise would have been able to successfully participate in the 2010 elections. Even though this had some positive impact, however, due to the challenges outlined above priority mail only improves delivery times by a very small margin. Despite the hard work and significant resources devoted to this solution, it pales in comparison to moving the primary date back sufficiently to ensure ballots are mailed at least 45 days in advance of the general election. Moreover, while Massachusetts requested and was granted a waiver under the MOVE Act for the 2010 election cycle and met their commitments under their comprehensive plan, each election cycle requires a new waiver request, and there is no guarantee that future waiver requests will be granted.

Potential Solution

HB 1972 proposes moving Massachusetts' September primary back into June. This is in line with the recently passed federal amendment to UOCAVA in the 2009 MOVE Act. It is also in line with a number of states that have recently moved their primary elections earlier to more easily comply with the new federal requirement, and would provide ample time for Massachusetts' election officials to certify a ballot and ensure it is mailed at least 45 days prior to Election Day.

Conclusion

Military sacrifice should not include sacrificing the right to vote. Passing HB1972 will significantly improve voter success for many military members, overseas voters, and their families.

Many thanks for your consideration of FVAP's testimony.