

THE FEDERAL VOTING ASSISTANCE PROGRAM



" Voting is the first duty of democracy. . . . "

Lyndon B. Johnson

**FIFTH
REPORT**

PREPARED BY THE STAFF

**THE FEDERAL VOTING ASSISTANCE PROGRAM
OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
(MANPOWER)**

WASHINGTON, D.C. 20301

FIFTH REPORT - FEDERAL VOTING ASSISTANCE PROGRAM

This report covers the period from November 1963 to November 1965, and principally contains information on the substance of the Federal Voting Assistance Act of 1955 together with details on its implementation in connection with the general elections of 1964. Also included is a listing of problems encountered in the absentee voting laws of certain states during this period, with map illustrations indicating the extent of overall acceptance of the recommendations of the Federal Voting Assistance Act of 1955.

Distribution of the Fifth Report will be as in former years, with copies sent directly to all members of the House of Representatives and the Senate, as well as to heads of participating agencies and the Executive Departments of the respective states. Interested public service organizations are also included on the distribution list to the extent that availability of copies of the report makes possible a token number for each organization. These include such groups as the National League of Women Voters, long a supporter of elections improvement in the states, as well as a number of others.

PROGRAM BACKGROUND

As late as 1955, and despite the experience of World Wars I, II and Korea, the United States had no completely satisfactory system to permit members of the Armed Forces and overseas civilian employees to take part in local, state and national elections through the use of absentee ballots. Over the years the problem was also greatly complicated by the lack of uniformity in the states with respect to simplified absentee voting laws.

On August 9, 1955, the Congress passed the Federal Voting Assistance Act (Public Law 296, 84th Congress) in order that previous inadequacies could be permanently resolved. The statute, recommendatory in form, urged the states to establish improved absentee voting procedures for members of the Armed Forces, the Merchant Marine, civilian employees of the United States Government serving overseas, welfare agencies such as the USO and the Red Cross, and the spouses and dependents of these categories.

Specifically, the states were asked to provide:

- A simplified system of absentee registration.
- A uniform ballot application and transmittal procedure, and
- Adequate time for ballots to be mailed and returned.

A principal innovation was the provision of a standard post card application form, distinctively marked, and permitting free air mail handling.

FILL OUT BOTH SIDES OF THE CARD

.....
(NAME)
.....
(UNIT, GOVT AGENCY, OR OFFICE)
.....
(MIL. BASE, STATION, SHIP OR OFFICE)
.....
(STREET NO., APO, OR FPO NO.)
.....
(CITY, POSTAL ZONE, STATE)

FREE OF U. S. POSTAGE
INCLUDING AIR MAIL

OFFICIAL ELECTION BALLOTING MATERIAL—VIA AIR MAIL

To:
(TITLE OF ELECTION OFFICIAL)
.....
(COUNTY OR TOWNSHIP)
.....
(CITY OR TOWN, STATE)

Standard Form 76
Revised 1955
Issued under 5 U. S. C. A. 2184
76-103

Supplies of the post card are provided by the General Services Administration, following requisition by the respective Military Departments and Federal agencies. Through the office of the Deputy Coordinator, each service and agency makes known its requirements for a number of years in advance and these requests are transmitted to the General Services Administration. Special emergency requests for post cards are made as necessary.

The Federal Voting Assistance Act of 1955 recommended that the card be accepted simultaneously for both registration and ballot application, a procedure permitting one mailing to accomplish two objectives. As the maps on pages 21 - 23 indicate, an appreciable number of states have seen fit to accommodate to this recommendation.

Title II of the Federal Voting Assistance Act set forth the authority for its administration and enlisted the cooperation of all Federal agencies in carrying out its provisions. Presidential Executive Order 10646 of November 22, 1955, appointed the Secretary of Defense as the principal executive of the program, with the right of redelegation for administrative purposes. Since 1955 the Assistant Secretary of Defense (Manpower) has served as Coordinator of the entire program. Staff action in support of program objectives proceeds from this level, involving coordination of working details with the other government agencies, provision of necessary informational aids and supplies, and direct legislative action with the various states.

PARTICIPATING AGENCIES:

Departments of the Army, Navy, Air Force and Marine Corps	General Accounting Office
U.S. Coast Guard	Department of Health, Education and Welfare
Agency for International Development	Department of the Interior
Department of Agriculture	Department of Justice
American Battle Monuments Commission	Department of Labor
American National Red Cross	Department of Treasury
Atomic Energy Commission	Maritime Administration
Central Intelligence Agency	Panama Canal Company
Coast & Geodetic Survey	Peace Corps
Department of Commerce	Department of State
Federal Aviation Agency	United Service Organizations
	United States Information Agency
	Veterans Administration

PROGRAM OPERATION

Since its inception the Federal Voting Assistance Program has had two major objectives. The first of these is to establish throughout the Armed Forces (and those Federal agencies with overseas civilians) a working system of simplified absentee balloting and registration procedures.

Secondly, the program has concerned itself with direct legislative activity in those states requiring substantial amendments to their elections codes in order to fulfill the recommendations of the Federal Voting Assistance Act of 1955.

With respect to the first objective, adequate basic organization now exists throughout all participating agencies. A number of Federal civilian agencies originally included in the program have dropped out owing to reductions in overseas staffs. All Military Departments have long since had effective operating procedures, including full implementation of the Voting Officer System from headquarters levels to units in the field.

Accordingly, except for the maintenance of overall policy direction and provision for election year special activities, the first objective of the Federal Voting Assistance Program has been largely achieved. All participating Federal agencies have formalized their absentee voting programs in regulations, which are periodically reviewed and brought up to date.

Legislative activity with the states - objective two of the program - has unfortunately not reached a similar point of completion. Further major changes are necessary in many states to achieve the complete recommendations of the Federal statute. Additionally, a number of other states would benefit from minimal changes in their laws to bring them into full compliance with the Federal statute. The situation is further complicated in many of these states by failure to recognize that the absentee voting problems of overseas civilians are every bit as serious and deserving of attention as those of Armed Forces personnel.

Accordingly, the second objective of the Federal Voting Assistance Program remains unfulfilled and legislative activity with the states continues. Together with seeking further improvements in state laws, a principal problem is found in keeping what has already been gained in many states, insuring that lapses in state cooperation are restored wherever it becomes necessary.

Voting program representatives of the Department of Defense have found that it may sometimes require a number of years to obtain final substantial changes in state laws, but the record shows conclusively that such changes can in time be brought about. Major difficulties are encountered in the form of biennial legislative sessions in most of the states, and even these are usually of a short duration. It is also true that most state legislatures seldom are able to deal

with all the bills presented at each session, making it especially hard to obtain priority for such matters as elections law reform.

Granting these and other difficulties the fact remains that much progress has been made in the ten years since inception of the Federal Voting Assistance Program, getting rid of outmoded laws and substituting simplified procedures. The following states have now met substantially all or the major part of the suggestions of the Federal Voting Assistance Act for all categories:

Alaska	Illinois	Montana	Tennessee
California	Iowa	Nebraska	Utah
Colorado	Kansas	Nevada	Vermont
Connecticut	Maine	N. Dakota	Washington
District of Columbia	Maryland	Oregon	Wisconsin
Georgia	Minnesota	Pennsylvania	Wyoming
Idaho	Missouri	S. Dakota	

The following states still require a number of changes in their voting laws to meet all suggestions of the Federal Voting Assistance Act of 1955:

ALABAMA

No provision for voting by absentee process for anyone except members of the Armed Forces, their wives, disabled veterans and persons incapacitated by sickness. All must register in person.

ARIZONA

Armed Forces personnel may use the Federal Post Card Application as simultaneous application for ballot and registration forms. All others must apply for an "Affidavit of Registration" which is returned

to the county four months before an election. Obtaining an absentee ballot requires an "Application for Absent or Disabled Voter's Ballot." This is returned and then the ballot is sent.

ARKANSAS

Members of the Armed Forces and their spouses may apply for ballot by using the Federal Post Card Application. All others must first request an "Application for Ballot" which is then sent back for the ballot. The ballot round trip time is 30 days for members of the Armed Forces; other overseas personnel are allowed 20 days.

DELAWARE

Delaware provides an adequate system for all categories except civilian employees serving overseas. These must register in person. Primary nominations are on a party convention basis in which no elections are held.

FLORIDA

Florida needs to provide a means of absentee registration for categories other than members of the Armed Forces and their wives who are now the only categories permitted to register by absentee process.

HAWAII

The very short ballot round trip time (15 days) makes voting from distant places extremely difficult. Its requirement for sworn affidavits of identification effectively disenfranchises all absentees but the military.

INDIANA

Recently made substantial improvements in its law. Still requires all but members of the Armed Forces to make dual application for absentee registration and ballot.

LOUISIANA

Personal registration required for everyone. Otherwise it has met all requirements.

MASSACHUSETTS

No absentee voting in Primary elections. Otherwise has met all requirements.

MICHIGAN

Has met all requirements except for overseas Federal employees. Registration and ballot application requires a lengthy dual process.

MISSISSIPPI

Full coverage for members of the Armed Forces, Merchant Marine, Red Cross, civilians attached to and serving with the Armed Forces and spouses of these categories. No other absentee voting permitted.

NEW HAMPSHIRE

No absentee voting in Primary elections. The ballot round trip time is 20 days, which is insufficient. All other requirements have been met.

NEW JERSEY

All but members of the Armed Forces must register in person, must make a dual application for ballot.

NEW MEXICO

No absentee voting permitted except by Federal service personnel and then only for Federal offices. The New Mexico Supreme Court has repeatedly held that absentee voting for state officials is unconstitutional.

NEW YORK

Meets all requirements except that there is no provision for absentee voting in primary elections.

NORTH CAROLINA

Members of the Armed Forces, the Merchant Marine, overseas civilians attached to the Armed Forces and their spouses have full coverage. All other categories must register in person, make a dual application for ballot and may not use the FPCA.

OHIO

With the exception of members of the Armed Forces and their spouses everybody must register in person, make dual application for ballot and may not use the FPCA.

OKLAHOMA

Fulfills all requirements except for civilians not attached to the military. These still must register in person and may not use the FPCA.

RHODE ISLAND

Has the same limitations as Oklahoma, and no absentee voting in primaries.

SOUTH CAROLINA

Requires a separate absentee registration and ballot request. Does not extend coverage to the spouses of persons other than members of the Armed Forces.

TEXAS

All Federal service personnel may use the FPCA in applying for ballot. Texas needs a system of permanent registration, allowing absentee applications for both registration and ballot.

VIRGINIA

Meets all requirements for members of the Armed Forces. All other persons must register in person. Members of the Armed Forces and their spouses may apply for an absentee ballot by submitting a Federal Post Card Application. All other categories must use a dual process.

WEST VIRGINIA

Previously met all requirements of the Federal Voting Assistance Act. It now requires separate application for absentee registration and ballot. Legislation is needed to restore the former situation.

GUAM

Full coverage for members of the Armed Forces, Merchant Marine, and civilians serving with the Armed Forces who are outside of Guam. May use the Federal Post Card Application as a request for an absentee ballot and for automatic registration.

PUERTO RICO

Has no provision for absentee voting.

VIRGIN ISLANDS

Recently amended its laws to permit full coverage for members of the Armed Forces and welfare agencies serving overseas with them.

PAYMENT OF POLL TAXES

Federal suits were brought after passage of the Voting Rights Act of 1965 to determine the constitutionality of requiring payment of poll taxes in state elections in Virginia, Alabama, Mississippi and Texas. Arkansas recently abolished the poll tax. Results of the lawsuits were not known at the time of publication.

PROGRAM IMPLEMENTATION - Military Departments

A well organized, sustained effort was made by all Military Departments to insure that maximum emphasis was placed upon the individual's responsibility to vote in the 1964 elections.

An important aspect of the entire program was the provision of up-to-date Voting Information Pamphlets, providing all levels of command with complete details on state voting requirements, methods of absentee registration, election dates and offices to be filled. In addition to the publication and distribution of

over a hundred thousand Voting Information Pamphlets - used by Voting Officers in counselling personnel - a wide variety of posters, display kits, and other visual aids were provided. A special motion picture - "The Vote" - was also produced in time for showing on both television programs and at base theaters. This production owed much of its excellence to the talents of Mr. E.G. Marshall, star of stage and television, who contributed his services.

Until January 1, 1965 the Office of Armed Forces Information and Education had primary responsibility for preparation of the Voting Information Pamphlet, formal change orders to the Pamphlet, and direct liaison with state elections officials for the purpose of obtaining up-to-date information on state voting laws. This function is now performed by the staff of the Federal Voting Assistance Program.

The Office of Armed Forces Information and Education continues to function as a support facility, however, in connection with radio, television and press activities, along with the preparation and publication of texts on citizenship and other items in support of voting participation. It also continues to handle necessary details of publication with the Government Printing Office in connection with the Voting Information Pamphlet and other printed materials.

Voting officers were appointed by April, providing individual and group instruction in all Services, at home and abroad. Field inspections by staff personnel of the Federal Voting Assistance Program were made periodically, both to determine the extent of compliance with Department of Defense directives on voting, and to provide assistance to Voting Officers wherever possible. In general, the result of these inspections indicated a high degree of compliance with published instructions, substantial command support, and a healthy display of troop interest in the subject.

This development was furthered by the requirement of the Secretary of Defense that all voting-age eligible personnel would be provided with the Federal Post Card Application Form by delivery-in-hand instead of making the card available on request at a voting office. Together with these activities, a step-by-step phased program to encourage interest in voting, establishment of back-home eligibilities, and other details necessary to obtaining absentee ballots, was conducted by each Department. The entire effort terminated in mid-September with Armed Forces Voters Day, a special event proclaimed biennially by the Secretary of Defense.

As a consequence of all activities, overall Military Department voting percentages improved over former years. As the following chart shows, however, there is still considerable room for additional improvement.

REPORTS FROM THE SERVICES ON 1964 ELECTIONS

Service	Strength 31 Oct 64	Eligible by Age to Vote	Total of Eligible Persons Who Voted	Percentage of Eligible Persons Who Voted
Army	967,084	658,439	289,713	44.0
Navy	668,424	495,258	238,714	48.2
Air Force	853,619	595,600	403,448	58.0
Marine Corps	196,190	118,223	77,436	65.5
TOTAL OR AVERAGE	2,685,317	1,967,520	1,009,311	51.3

FEDERAL CIVILIAN AGENCIES

The Federal Voting Assistance Act of 1955 provided a means whereby Federal agencies with appreciable overseas personnel could take advantage of the special services available under Department of Defense administration, while conducting their respective programs on an individual basis. These agencies attended meetings called by the Department of Defense to schedule distribution of materials necessary to absentee balloting and to discuss methods of program implementation.

Despite attention to the needs of several thousand overseas civilians, however, the participating agencies have thus far been unable to attain appreciable voting participation averages on the part of eligible personnel. Protracted absences from home communities is frequently cited as a reason for this condition as well as such other factors as being located in isolated duty posts and stations. The following table lists the percentages reported by each of the participating agencies for the 1964 elections.

REPORTS OF THE FEDERAL CIVILIAN AGENCIES - 1964 ELECTIONS

AGENCY	TOTAL ELIGIBLE	NUMBER VOTED	PERCENTAGE
Agency for International Development	7,183	1,577	22.0
Department of Agriculture	255	Report through State Department	
American Battle Monuments Commission	60	27	45.0
Atomic Energy Commission	48	32	66.7
Coast & Geodetic Survey	11	6	54.5
Department of Commerce	355	105	29.5
Federal Aviation Agency	1,481	151	10.2
General Accounting Office	92	31	33.7
Department of the Interior	384	59	15.4
Department of Justice	232	Report through State Department	
Maritime Administration	55,000	12,500	22.7
Panama Canal Company	7,500	750	10.0
Peace Corps	2,870	550	19.2
Department of State	8,722	3,221	36.9
Other agencies reporting through State - Commerce, Agriculture, etc.	622	115	18.5
Department of the Treasury	119	38	32.0
U.S. Coast Guard	28,484	11,014	38.6
United States Information Agency	1,731	606	35.0
Veterans Administration	117	30	25.6
TOTALS	86,792	19,890	22.9

SUMMARY

It is evident from the experience of the past ten years that progress has been made in the establishment of a permanent Federal service absentee voting system and in the achievement of simplified voting procedures in the states. At the same time, it is clear that with more than three and one-half million Federal service individuals and families dependent upon the program for a voice in their government's affairs, additional effort to improve the efficiency and working procedures of the program must be made. It is equally plain that not all Federal agencies participating in the voting program are placing sufficient emphasis upon its function. Apparently great numbers of Federal civilian personnel overseas, in particular, are not being made aware of the working of the Federal Voting Assistance Program and of its benefits. In order to correct this situation it will be necessary for each of the Departments and agencies concerned to take a greater interest in the overseas voting problem and encourage greater attention to such matters on the part of all personnel affected.

Efforts must continue, as formerly, to convince those states still withholding the full benefits of the Federal Voting Assistance Act of 1955 of the desirability of joining those which have met all requirements.

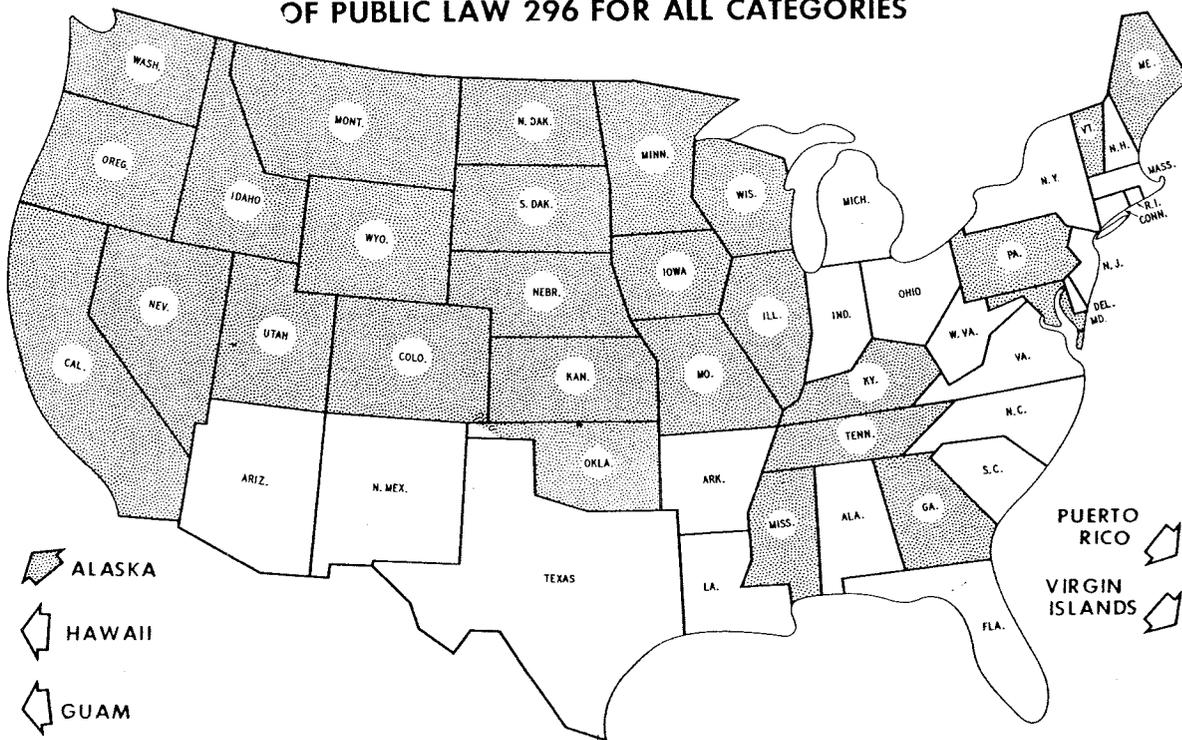
A number of states require only minor alterations in their laws in order to provide substantial additional benefits to their citizens in Federal service. Other states, as noted in the foregoing, require major changes in order to provide a realistic and up-to-date system. Toward the accomplishment of these objectives the Department of Defense will continue to propose corrective legislation in the states, working closely with state executive departments and legislative assemblies.

ESTIMATED DISTRIBUTION BY STATE AND TERRITORY OF MILITARY PERSONNEL
ON ACTIVE DUTY 31 MAY 1965 ELIGIBLE BY AGE TO VOTE

State or Territory	Number	State or Territory	Number
TOTAL	<u>2,034,500</u>		
Alabama	44,500	Montana	9,000
Alaska	2,000	Nebraska	16,000
Arizona	14,000	Nevada	3,000
Arkansas	26,000	New Hampshire	9,500
California	141,500	New Jersey	55,500
Canal Zone	500	New Mexico	11,500
Colorado	20,000	New York	144,500
Connecticut	24,500	North Carolina	63,500
Delaware	4,500	North Dakota	9,000
Dist. of Columbia	7,000	Ohio	103,000
Florida	62,500	Oklahoma	35,000
Georgia	63,000	Oregon	24,000
Guam	2,000	Pennsylvania	137,000
Hawaii	13,000	Puerto Rico	11,500
Idaho	9,000	Rhode Island	9,500
Illinois	93,500	South Carolina	33,000
Indiana	52,000	South Dakota	9,000
Iowa	33,000	Tennessee	47,000
Kansas	26,000	Texas	110,000
Kentucky	49,000	Utah	7,500
Louisiana	35,000	Vermont	6,000
Maine	16,500	Virgin Islands	500
Maryland	30,500	Virginia	48,000
Massachusetts	56,000	Washington	37,000
Michigan	77,500	West Virginia	35,500
Minnesota	38,500	Wisconsin	42,000
Mississippi	25,500	Wyoming	4,500
Missouri	46,000		

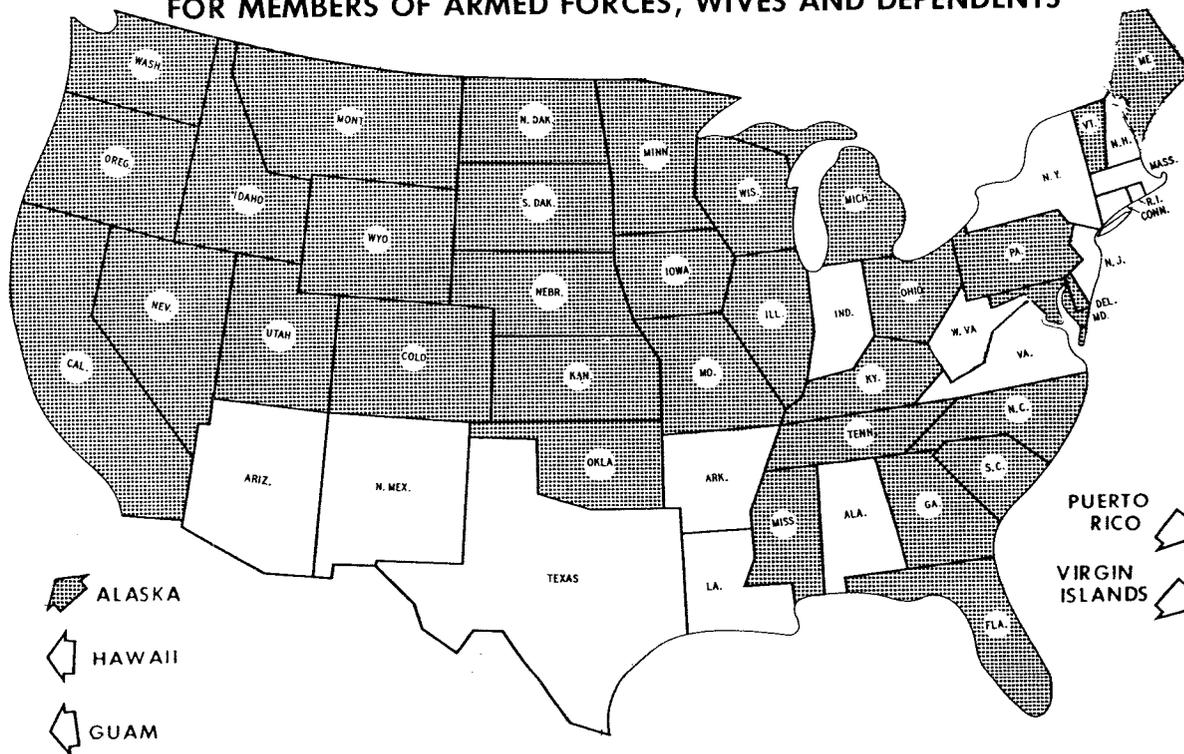
MAP 1

STATES WHICH HAVE MET ALL SUGGESTIONS OF PUBLIC LAW 296 FOR ALL CATEGORIES



MAP 2

STATES WHICH HAVE MET ALL SUGGESTIONS OF P.L. 296 FOR MEMBERS OF ARMED FORCES, WIVES AND DEPENDENTS



STATES REQUIRING PAYMENT OF POLL TAX BY MEMBERS OF ARMED FORCES

