

**Absent Voting, the Help America Vote Act of 2002, and the American  
Overseas Voter:  
An Analysis of Policy Effectiveness and Political Participation.**

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## **Abstract**

The 2000 Presidential Election demonstrated that the rules that dictate the conduct of elections are fundamental in legitimating electoral processes and outcomes. For the United States, these election rules extend beyond borders, impacting millions of Americans resident overseas. Following the 2000 Election, a number of policy initiatives directed at improving the voting process for American overseas voters were undertaken. However the effectiveness of those policies was not clear. This thesis represents the first scholarly study assessing the effectiveness of the Help America Vote Act of 2002 (HAVA) and the Military and Overseas Voter Empowerment Act of 2009 (MOVE). This assessment will show that neither HAVA nor the MOVE Act have improved the electoral participation of American overseas voters. Through a comprehensive review of the historical development of absent voting legislation in the United States, it will be shown that the events of the 2000 Election should not have been surprising to anyone. This historical review will demonstrate that problems associated with ensuring the franchise for absent voters have been recurring and highly political. In this partisan atmosphere, effective solutions to ensure the franchise of American overseas voters have not emerged. The 2000 Presidential Election also highlighted the potential impact of the political activity of Americans resident overseas on political outcomes in the continental United States. Previous research has not collected or analysed data regarding the demographics, associational involvement or the political attitudes and ideological self-identification of this group. Using data collected on a survey of American voters overseas, the thesis attempts to fill this research gap by analysing how this group relate to the United States political system from abroad and their propensity to participate.

For Dad, who showed me that politics could be honourable.

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## **List of Acronyms**

AARO	Association of Americans Resident Overseas
ACA	American Citizens Abroad
ALA	Americans Living Abroad Survey
ANES	American National Election Studies
APSA	American Political Science Association
CID	Citizenship and Involvement in European Democracies Project
DA	Democrats Abroad
DFO	Designated Federal Official
DNC	Democratic National Committee
DOD (DoD)	Department of Defense
DOJ	Department of Justice
EAC	Election Assistance Commission
FACA	Federal Advisory Committee Act
FAWCO	Federation of American Women's Clubs Overseas
FEC	Federal Election Commission
FPCA	Federal Post Card Application
FVAP	Federal Voting Assistance Program
FWAB	Federal Write-in Absentee Ballot
GAO	United States General Accounting Office
GAO	United States Government Accountability Office – Effective 7 July 2004
HAVA	Help America Vote Act of 2002
IDEA	International Institute for Democracy and Electoral Assistance
LEO	Local Election Official
MOVE	Military and Overseas Voter Empowerment Act 2009

NACRC	National Association of County Recorders, Election Officials and Clerks
NASED	National Association of State Election Directors
NASS	National Association of Secretaries of State
NCCUSL	National Conference of Commissioners on Uniform State Laws
NCFER	National Commission on Federal Election Reform
NCSL	National Conference of State Legislatures
NLC	National League of Cities
NVRA	National Voter Registration Act
OVF	Overseas Vote Foundation
RA	Republicans Abroad
ULC	Uniform Law Commission
UMOVA	Uniform Military Services and Overseas Civilian Absentee Voters Act
UOCAVA	Uniformed and Overseas Citizens Absentee Voting Act 1986
USCID	United States Citizenship, Involvement and Democracy Project
VAO	Voting Assistance Officer
VAP	Voting Age Population
VEP	Voting Eligible Population
VTP	Caltech/MIT Voting Technology Project
VVPR	Voter Verified Paper Record

# Chapter 1: Introduction

## 1.1 Overview

The health of a democracy is often measured by the extent to which the citizens participate in the political process. Higher participation signals a healthier democracy. This participation may take many forms. Elections are the most common form and provide the basic component of a democratic system. They give ordinary citizens the power to offer continued support to their elected leaders or to select alternative leaders.<sup>1</sup> However, maintenance of a democratic system involves more than just voting in elections. Organising with like minded individuals is an important contributor to democratic politics.<sup>2</sup> Memberships in organisations link people with each other and their communities, thereby enhancing civic skills and the feeling of civic duty.<sup>3</sup> Traditionally, these types of citizen activities occur within the boundaries of a nation state. However, the globalisation of political, personal and professional life has increased the incidence of citizens' political activities occurring outside the boundaries of their nation state.<sup>4</sup> This activity challenges traditional conceptions of the relationship between territoriality and citizenship.<sup>5</sup>

The United States is part of this trend. Estimates suggest there are between 4 and 6 million Americans who live overseas who are eligible to vote in United States elections.<sup>6</sup> Cumulatively, the American overseas population exceeds the population of at least 24 states in

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<sup>1</sup> Flanigan, W.H. and Zingale, N.H. 1994. *Political Behavior of the American Electorate*, 8th Edition. Washington D.C.: Congressional Quarterly Press, p. 6.

<sup>2</sup> Verba, Sidney, Schlozman, Kay Lehman and Brady, Henry E. 1995. *Voice and Equality: Civic Voluntarism in American Politics*. London: Harvard University Press, p. 42.

<sup>3</sup> Flanigan and Zingale, *Political Behavior of the American Electorate*, 8th Edition, p. 17.

<sup>4</sup> In 2000, there were 175 million international migrants in the world. That equates to one out of every 35 persons in the world. International Institute for Democracy and Electoral Assistance. 2007. *Voting from Abroad: The International IDEA Handbook*. Stockholm: IDEA, p. 2.

<sup>5</sup> Baubock, Rainer. 2005. Expansive Citizenship: Voting Beyond Territory and Membership. *PS: Political Science*, 38(4), p. 684. See also Dark III, Taylor E. 2003. Americans Abroad: The Challenge of a Globalized Electorate. *PS: Political Science and Politics*, 36(4), p. 739.

<sup>6</sup> Smith, Claire. 2009. Defining the Universe: The Problem of Counting UOCAVA Voters. *OVF Research Newsletter*, 1(1). (<https://www.overseasvotefoundation.org/research-intro-newsletter>), The United States Census Bureau, Population Division. 2001. *Issues of Counting Americans Overseas in Future Censuses*. Washington, D.C.: United States Census Bureau and United States Congress. 2001. Hearing Before the Subcommittee on the Census of the Committee on Government Reform, July 26, 2001. *Americans Abroad, How Can We Count Them?* Washington, D.C.: Government Printing Office.

the United States.<sup>7</sup> The potential political importance of this group is becoming more pronounced, particularly as politics becomes more competitive and polarised in the United States.<sup>8</sup> While there are extensive studies that consider the political participation of Americans residing in the continental United States, there are no studies that consider the political participation of Americans residing overseas. This research aims to fill this gap. This analysis will include an assessment of the electoral participation of Americans overseas, an evaluation of the institutional structure of overseas voting, and an assessment of the impact of electoral rules on overseas political participation. Through the collection of demographic and associational involvement data, the research will assess the scope and breadth of political activity of the American overseas community and the effect of socioeconomic variables on the propensity to participate politically. This research is an important addition to the literature regarding American political participation and extends this debate to include all American citizens, regardless of their location in the world.

## 1.2 Opening Discussion

The 2000 United States Presidential Election drew attention to a category of voters that had not been the subject of attention before, the American overseas voter. The Los Angeles Times characterised American overseas voters as ‘scarcely an asterisk to an election’.<sup>9</sup> Indeed, participation rates of overseas voters are traditionally very low and usually have no impact on election outcomes.<sup>10</sup> However, with a razor thin margin of votes between Republican presidential candidate George W. Bush and Democratic presidential candidate Al Gore, the potential for overseas absentee votes to determine the winner of the 2000 Presidential Election did not go unnoticed domestically or internationally.<sup>11</sup> Prior to the

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<sup>7</sup> The United States Census Bureau. 2010. *Resident Population Data, 2010*. (<http://2010.census.gov/data/apportionment-pop-text.php>, 10 March 2012).

<sup>8</sup> King, David C. 2003. *Congress, Polarization, and Fidelity to the Median Voter*. MIT Conference on Parties and Congress. March 10, 2003. ([http://www.hks.harvard.edu/fs/dking/Extreme\\_Politics.pdf](http://www.hks.harvard.edu/fs/dking/Extreme_Politics.pdf), 28 February 2012). See also Morris Fiorina on the polarisation of U.S. politics and the ensuing competitiveness as a result of non-compromising political positions. Fiorina, Morris P. 2002. ‘Parties, Participation, and Representation in America: Old Theories Face New Realities’, in Katznelson, Ira and Milner, Helen (eds.), *Political Science: The State of the Discipline*. New York: Norton, pp. 511-541.

<sup>9</sup> Landsberg, Mitchell and Bailey, Eric. 2000. Battling Over Absentees, Hand to Hand. *Los Angeles Times*, November 18, 2000. ([www.latimes.com](http://www.latimes.com), 16 March 2008).

<sup>10</sup> International Institute for Democracy and Electoral Assistance, *Voting from Abroad: The International IDEA Handbook*, pp. 32-34.

<sup>11</sup> See for example Congressional Record: Proceedings and Debates of the 106<sup>th</sup> Congress, Second Session, Volume 146, Part 18 (December 6, 2000) pp. 26399-26401. (<http://digital.library.unt.edu>, 10 October 2009),

2000 Election, there had been no serious academic research concerning American overseas voters.<sup>12</sup> However, with increasing numbers of Americans residing overseas either permanently or temporarily, as well as increasing numbers of United States military personnel deployed overseas, the political impact of this group is likely to become the focus of attention more frequently.<sup>13</sup>

Despite the attention overseas voters received in the 2000 Election, the amount of literature concerning this group and the problems they face is very limited.<sup>14</sup> Much of the current literature exists in the form of official government reports that document the frequency and nature of the problems confronted by overseas voters.<sup>15</sup> Additional studies explore pilot programs or make policy proposals to improve the voting process for Americans

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Barstow, David and Van Natta Jr., Don. 2001. How Bush Took Florida: Mining the Overseas Absentee Vote. *New York Times*, July 15, 2001. ([www.nytimes.com](http://www.nytimes.com), 10 June 2009), Berke, Richard L. 2001. Lieberman Put Democrats in Retreat on Military Vote. *The New York Times*, July 15, 2001. ([www.nytimes.com](http://www.nytimes.com), 11 December 2009), CNN. 2000. *Democrats Lose Bid to Throw out 25,000 Absentee Ballots in Florida Election*. (<http://edition.cnn.com/2000/LAW/12/08/absentee.ballots.ruling.pol/index.html>, 29 August 2009), Hook, Janet and Zitner, Aaron, 2000. Bush Build Lead on Overseas Vote. *Los Angeles Times*, November 19, 2000. (<http://articles.latimes.com/200/nov/19/news/mn-54234>, 24 August 2010), Kuntz, Phil. 2000. U.S. Again Faces the Electoral 'Loaded Pistol'. *The Wall Street Journal*, November 7, 2000. (<http://www.wsj.com>, 30 October 2008), Moss, Michael with Ford Fessenden. 2000. G.O.P. Played Role in Absentee Vote. *New York Times*, November 14 2000. (<http://www.nytimes.com>, 12 May 2009), Schmidt, Susan. 2000. Bush Lead Swells With Overseas Ballots. *The Washington Post*, November 18, 2000. (<http://pqasb.pqarchiver.com/washingtonpost/access/64037986.html?FMT=ABS&FMTS=ABS:FT&date=Nov+18%2C+2000&author=Susan+Schmidt&desc=Bush%27s+Lead+Swells+With+Overseas+Votes>, 10 December 2010), The Telegraph. 2000. *His Battle to Sue Himself into the White House has Tainted All it Touched*. (<http://www.telegraph.co.uk/news/worldnews/asia/1378318/His-battle-to-sue-himself-into-the-White-House-has-tainted-all-it-touched.html>, 10 November 2009), Vaisse, Justin. 2001. *French Reactions to the 2000 US Presidential Election*. ([http://www.brookings.edu/articles/2001/01france\\_vaisse.aspx](http://www.brookings.edu/articles/2001/01france_vaisse.aspx), 10 November 2009), and Landsberg and Bailey, Battling Over Absentees, Hand to Hand.

<sup>12</sup> Hall, Thad E., 2008. UOCAVA: A State of the Research. *Caltech/MIT Voting Technology Project*. VTP Working Paper Number 69, and Cain, Bruce E., MacDonald, Karin, and Murakami, Michael H. 2008. Administering the Overseas Vote. *Public Administration Review*, 68(5), pp. 802-813.

<sup>13</sup> For example, days before the 2008 Presidential Election, Senator John McCain's campaign claimed that overseas and military ballots had not been printed soon enough to distribute to overseas and military voters, thus in violation of the 1986 Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). The McCain campaign subsequently sued the state of Virginia, asking the court to extend the deadline for ballot receipt to November 14, 2008. The suit was taken up by the United States Department of Justice. In 2010, a county commissioner's race in Maine was decided by just two ballots from overseas and military voters. Although one candidate led the race on Election Day, when the ballots from overseas and military voters were added, the opposing candidate was declared the winner. See Smith, Claire M., with Murray, Judith and Hall, Thad. 2012. *It's in the Mail: The Overseas and Military Voting Experience*. Manuscript submitted for publication.

<sup>14</sup> Hall, UOCAVA: A State of the Research.

<sup>15</sup> See for example United States General Accounting Office. 2001. *Issues Affecting Military and Overseas Absentee Voters*. GAO-01-704T. Washington, D.C.: United States General Accounting Office, and United States Government Accountability Office. 2006. *Elections: Absentee Voting Assistance to Military and Overseas Citizens Increased for the 2004 General Election, but Challenges Remain*. GAO-06-521. Washington, D.C.: United States Government Accountability Office.

overseas.<sup>16</sup> However, since the 2000 Election, numerous studies have been produced by key stakeholder groups who advocate on behalf of American overseas voters.<sup>17</sup> The most notable example is the Overseas Vote Foundation (OVF) which began publishing a quarterly research newsletter in 2009 focusing on the problems faced by overseas voters.<sup>18</sup> While they have made great strides at drawing attention to the problems faced by overseas voters, they reflect an ongoing problem of the potential for research to be skewed by the policy remit of the key stakeholder group.<sup>19</sup> This situation is not just limited to the OVF however, as other key stakeholder groups and government agencies have inflated the significance of the overseas vote, most notably the Federal Voting Assistance Program (FVAP).<sup>20</sup> This situation is difficult when conducting research as much of the literature concerning the overseas community can be problematic.

On the other hand, there is a large body of literature examining the impact of regulations on voter turnout in the continental United States. This is particularly true as the decade of 2000-2010 has seen more change in election administration than any other time in United States history.<sup>21</sup> While these studies do not consider American overseas voters, they act as an important guide in the analysis of this research. For example, divergent and rigid state election laws are cited as the main cause for the disenfranchisement of American overseas

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<sup>16</sup> See for example Carter, J., Ford, G.R., Cutler, L. and Michel, R. 2001. *To Assure Pride and Confidence in the Electoral Process: Report of the National Commission on Federal Election Reform*. Washington D.C.: Brookings Institution Press, and United States Department of Defense. 2007. *Expanding the Use of Electronic Voting Technology for UOCAVA Citizens*. Washington, D.C.: United States Department of Defense.

<sup>17</sup> The Association of Americans Resident Overseas. 2008. *Position Paper: Overseas Voting Reform 2008*. (<http://www.aaro.org>, 21 January 2009), Democrats Abroad. 2009. *Overseas Absentee Voting 2008 Review*. Washington, D.C.: Democrats Abroad, and The Pew Center on the States. 2009. *No Time to Vote: Challenges Facing America's Overseas Military Voters*. Washington, D.C.: The Pew Charitable Trusts.

<sup>18</sup> For example Smith, Claire. 2009. A UOCAVA State Policy Index. *OVF Research Newsletter*, 1(3). (<https://www.overseasvotefoundation.org/research-intro-newsletter>), Smith, Claire. 2009. It's in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting. *Overseas Vote Foundation*. ([www.overseasvotefoundation.org](http://www.overseasvotefoundation.org), 5 January 2010).

<sup>19</sup> Hall, UOCAVA: A State of the Research.

<sup>20</sup> The Federal Voting Assistance Program has been repeatedly accused of inflating overseas voter turnout figures, particularly those that reflect military personnel. See United States Government Accountability Office. 2010. *Elections: DOD Can Strengthen Evaluation of Its Absentee Voting Assistance Program*. GAO-10-476. Washington, D.C.: United States Government Accountability Office. The Association of Americans Resident Overseas (AARO) recently estimated that overseas absentee ballots constitute three percent of the total ballots cast in any election. However, data from the Election Assistance Commission (EAC) indicates that figure is less than one percent of the total ballots cast. The difference in estimated overseas votes cast is significant at approximately two million votes. See The Association of Americans Resident Overseas, *Position Paper: Overseas Voting Reform 2008*, and United States Election Assistance Commission. 2009. *The 2009 Election Administration and Voting Survey: A Summary of Key Findings*. Washington, D.C.: United States Election Assistance Commission.

<sup>21</sup> Montjoy, Robert S. The Changing Nature...and Costs...of Election Administration. *Public Administration Review*, 70(6), p. 867.

voters.<sup>22</sup> The Help America Vote Act of 2002 (HAVA) and the Military and Overseas Voter Empowerment Act 2009 (MOVE) were designed to correct this problem by easing restrictions for overseas voters, thereby increasing voter turnout.<sup>23</sup> However, as Norris points out, reforming the electoral rules to increase voter turnout does not address underlying systemic issues that often depress participation.<sup>24</sup> As a result, improving turnout by altering electoral rules has not had a consistent significant influence on voter turnout in the United States.<sup>25</sup> It is likely this is the case concerning overseas turnout as well. However, ascertaining whether recent legislation has improved overseas turnout is confounded by the interests of key stakeholder groups and a lack of reliable data.<sup>26</sup> This has led to allegations of the manipulation of data to provide a particular result supportive of the key stakeholder group position.<sup>27</sup> This is why a scholarly and systematic assessment of overseas turnout provided by this research is an essential corrective.

Extending the institutional debate beyond electoral rules to include a broader analysis of the development of the structure of overseas voting can enhance our understanding. Indeed, Powell stresses the importance of understanding electoral designs from their inception in order to assess their overall effectiveness, yet this type of analysis is not present in the literature concerning overseas absent voting.<sup>28</sup> Earlier studies concerning overseas absent voting are largely episodic. Benton for example provides a detailed assessment of the extension of the soldier vote in the American Civil War.<sup>29</sup> And the American Political Science Association (APSA) provides a glimpse into the overseas absent voting debate

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<sup>22</sup> The Pew Center on the States, *No Time to Vote: Challenges Facing America's Overseas Military Voters*, United States General Accounting Office, *Issues Affecting Military and Overseas Absentee Voters*, and Smith, *It's in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting*.

<sup>23</sup> See Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat 1666 (2002), and Military and Overseas Voter Empowerment Act of 2009, Subtitle H of the National Defense Authorization Act for Fiscal Year 2010. H.R. 2647, Pub. L. 111-84, 123 Stat. 2190.

<sup>24</sup> Norris, Pippa. 2004. *Electoral Engineering: Voting Rules and Political Behavior*. Cambridge: Cambridge University Press, p. 15.

<sup>25</sup> Larocca, Roger and Klemanski, John S. 2011. U.S. State Election Reform and Turnout in Presidential Elections. *State Politics and Policy Quarterly*, 11(1), p. 95, Rugeley, Cynthia and Jackson, Robert A. 2009. Getting on the Rolls: Analyzing the Effects of Lowered Barriers on Voter Registration. *State Politics and Policy Quarterly*, 9(1), pp. 71-72.

<sup>26</sup> Hall, UOCAVA: A State of the Research, Smith, Claire M. 2009. The Data Dilemma. *OVF Research Newsletter*, 1(2). (<https://www.overseasvotefoundation.org/research-intro-newsletter>).

<sup>27</sup> Von Spakovsky, Hans. 2011. *Cooking the Military Books*. Washington, D.C.: The Heritage Foundation, and United States Government Accountability Office, *Elections: DOD Can Strengthen Evaluation of Its Absentee Voting Assistance Program*.

<sup>28</sup> Powell, G. Bingham Jr. 2000. *Elections as Instruments of Democracy*. New Haven: Yale University Press, pp. 20-22.

<sup>29</sup> Benton, J.H. 1915. *Voting in the Field: A Forgotten Chapter of the Civil War*. Boston: Printed Privately.

after WWII.<sup>30</sup> While there have been only a few recent works to include small historical narratives that reflect the development of overseas absent voting to the present day, they have been designed to advocate a particular policy preference rather than generate new insights into the system or structure of overseas absent voting.<sup>31</sup> This narrow view has led to a limited understanding of the problems surrounding overseas absent voting. By synthesising the historical literature of American overseas absent voting, common problems that have recurred throughout the development of the system for overseas voting can be identified. As Powell suggests, this could facilitate more succinct assessments of overall effectiveness and, as a natural extension, improve responses to systemic problems.<sup>32</sup>

Norris further suggests that while relaxing rules is thought to reduce the costs of voting and increase turnout, social background and cultural attitudes exert a significant influence on patterns of political participation.<sup>33</sup> Indeed, even the literature exploring institutional variables affecting turnout note that socioeconomic and demographic variables continue to exert a strong influence on voter turnout and political participation.<sup>34</sup> However, literature regarding the social characteristics of overseas absent voters and their patterns of political participation does not exist. This is because this group of voters has never been surveyed in order to capture demographic or socioeconomic data.<sup>35</sup> As is the case with institutional variables, previous socioeconomic studies of political behaviour concerning the American electorate can inform the analysis of the data collected in this research.<sup>36</sup> Further, utilising

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<sup>30</sup> The American Political Science Association. 1952. Findings and Recommendations of the Special Committee on Service Voting. *The American Political Science Review*, 46(2), pp. 512- 523.

<sup>31</sup> See in particular Alvarez, R.M., Hall, T.E. and Roberts, B.F. 2007. Military Voting and the Law: Procedural and Technological Solutions to the Ballot Transit Problem. *Caltech/MIT Voting Technology Project Working Paper #53*. (<http://content.lib.utah.edu/u?/ir-main,8432>, 15 October 2008).

<sup>32</sup> Powell, *Elections as Instruments of Democracy*, pp. 20-22.

<sup>33</sup> Norris, *Electoral Engineering: Voting Rules and Political Behavior*, pp. 257-258.

<sup>34</sup> Larocca and Klemanski, U.S. State Election Reform and Turnout in Presidential Elections, p.95, and Rugeley and Jackson, Getting on the Rolls: Analyzing the Effects of Lowered Barriers on Voter Registration, pp. 71-72.

<sup>35</sup> For a discussion concerning the difficulty quantifying and surveying Americans resident overseas see The United States Census Bureau, Population Division, *Issues of Counting Americans Overseas in Future Censuses*, and Smith, Claire M. 2009. The Data Dilemma. *OVF Research Newsletter*, 1(2). (<https://www.overseasvotefoundation.org/research-intro-newsletter>).

<sup>36</sup> The original study correlating socioeconomic variables and political participation is Campbell, Angus, Converse, Philip, Miller, Warren and Stokes, Donald. 1960. *The American Voter*. New York: Wiley. This study informs subsequent studies including Verba, Sydney and Nie, Norman H. 1972. *Participation in America*. New York: Harper Row, Wolfinger, Raymond E. and Rosenstone, Steven J. 1980. *Who Votes?* New Haven: Yale University Press, Timpone, Richard J. 1998. Structure, Behavior, and Voter Turnout in the United States. *The American Political Science Review*, 92(1), pp. 145-158, and Conway, M. Margaret. 2000. *Political Participation in the United States, Third Edition*. Washington, D.C.: CQ Press.

large data sets such as those provided by the American National Election Study (ANES) will facilitate a comparative approach to this analysis.<sup>37</sup> This will contribute to an understanding of the extent of difference, if any, between Americans in the United States and Americans residing abroad.

The beginning of this discussion suggested that a new paradigm is emerging that challenges traditional conceptions of citizenship, state boundaries and the location of political activity. This idea is encapsulated in the concept of transnationalism in which a migrant is at home in several different social worlds, and participates in cross border social networks and political activity.<sup>38</sup> Americans residing abroad are rarely thought of as immigrants, yet their political activity represents a variant of transnational activity that transcends nation state borders.<sup>39</sup> Transnational activity also takes the form of immigrants participating in associations where they currently reside.<sup>40</sup> The extent of this associational involvement has a predictive capacity in terms of voter turnout.<sup>41</sup> Further, associational involvement can also indicate the extent of social and cultural integration into the receiving country and provides a glimpse into the lives of the overseas community.<sup>42</sup> Traditionally, the literature on transnational activity has been limited to migrants of displacement. This has caused transnationalism to be theorised on the basis of disadvantage.<sup>43</sup> However, recent literature suggests this trend is changing due to the increased migration from western democracies.<sup>44</sup> Informed by these recent works, this research will provide an alternative dialogue reflecting the activities and associational involvement of Americans residing overseas.

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<sup>37</sup> See in particular The American National Election Study. 2011. *ANES 2008 Time Series Data File*. (<http://sda.berkeley.edu/cgi-bin/hsda?harcda+nes08new>, 26 October 2011).

<sup>38</sup> Snel, E., Engbersen, G. and Leerkes, A. 2006. Transnational Involvement and Social Integration. *Global Networks*, 6(2), p. 285.

<sup>39</sup> Croucher, Sheila. 2011. The Nonchalant Migrants: Americans Living North of the 49<sup>th</sup> Parallel. *Journal of International Migration and Integration*, 12(2), p. 116.

<sup>40</sup> Ostergaard-Nielson, Eva K. 2001. *The Politics of Migrants Transnational Political Practices*. Working Paper Transnational Communities Programme, WPTC-01-22. London: London School of Economics, p. 7.

<sup>41</sup> Morales, Laura and Geurts, Peter. 2007. 'Associational Involvement', in van Deth, Jan W., Montero, Jose Ramon, and Westholm, Anders (eds.), *Citizenship and Involvement in European Democracies: A Comparative Analysis*. Abingdon: Routledge, p. 135.

<sup>42</sup> Snel, Engbersen and Leerkes, Transnational Involvement and Social Integration, p. 301.

<sup>43</sup> Croucher, The Nonchalant Migrants: Americans Living North of the 49<sup>th</sup> Parallel, p. 115.

<sup>44</sup> Croucher, Sheila. 2009. Migrants of Privilege: The Political Transnationalism of Americans in Mexico. *Identities: Global Studies in Culture and Power*, 16(4), pp. 463-491, Croucher, The Nonchalant Migrants: Americans Living North of the 49<sup>th</sup> Parallel, pp. 113-131, and Snel, Engbersen and Leerkes, Transnational Involvement and Social Integration, pp. 285-308.

### **1.3 Research Aims**

This thesis will consider the system of American overseas absent voting, the effectiveness of the Help America Vote Act of 2002 (HAVA) and the Military and Overseas Voter Empowerment Act of 2009 (MOVE) at improving overseas turnout, and the propensity of Americans resident overseas to participate in politics in the United States. Within this analysis, there are three main research aims:

- The first aim is to restructure the framework of overseas absent voting to include the larger historical debates concerning overseas absent voting. By synthesising the historical literature of American overseas absent voting, this thesis provides new insight into the structure of overseas absent voting. This new structure will impose the idea of recurring events into the overseas absent voting debate and demonstrate the link between those recurring events. This will enhance understanding of the overseas absent voting system beyond the events of the 2000 Presidential Election.
- The second aim of this research is to assess the effectiveness of the Help America Vote Act of 2002 (HAVA) and the Military and Overseas Voter Empowerment Act of 2009 (MOVE) at improving overseas voter turnout. HAVA and the MOVE Act sought to improve overseas voter turnout by liberalising election procedures to make the process of voting from abroad easier. By considering the literature that assesses the impact of liberalising election procedures on voter turnout, and extending this discussion to the overseas community, the research will provide an important corrective to key stakeholder group research that frequently misrepresents overseas voter turnout.
- The third aim of this research is to analyse the political behaviour of Americans who reside abroad and consider how they relate to the larger political system of the United States. Data for this analysis will be collected through the Americans Living Abroad (ALA) survey administered as part of this thesis. Very little is known about Americans residing overseas as research to date has not collected or analysed data regarding the demographics, associational involvement or the political attitudes and

ideological self-identification of this group. This research aims to fill this research gap.

#### 1.4 Theoretical Approaches

It is likely the issue of overseas absent voting and the American overseas voter would not have come to the forefront of discussion and debate had it not been for the controversy surrounding the 2000 Presidential Election. This suggests that temporal sequences matter in directing the larger debates concerning overseas absent voting, and as a natural extension, in the development of overseas absent voting policy. Indeed, as Rayner argues, policy change can best be understood as a reiterated sequence of problem solving.<sup>45</sup> Because of this, the thesis utilises several theoretical methods that focus on contingent sequencing, suggesting that earlier events lead to and account for latter events.<sup>46</sup> These theoretical methods include the use of thick historical narrative, as well as path dependent and punctuated equilibrium approaches. As Pierson notes, any analysis viewed through a single event such as the 2000 Presidential Election will only reveal a limited and distorted view.<sup>47</sup> As a consequence, to fully understand the policies emanating from the 2000 Presidential Election, it is necessary to locate specific historical turning points, or conjunctural conditions, that produced these particular policy outcomes.<sup>48</sup> This can be accomplished through the use of thick historical narrative and sequencing. These methods highlight the overall historical trajectory of overseas absent voting policy and the different problem solving approaches political actors have undertaken depending on the limits of the historical context, or the constraints as a result of the legacy of prior policy decisions. Indeed, these limitations and constraints will highlight that overseas absent voting processes are largely path dependent.<sup>49</sup>

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<sup>45</sup> Rayner, Jeremy. 2009. Understanding Policy Change as a Historical Problem. *Journal of Comparative Policy and Analysis: Research and Practice*, 11(1), p. 89.

<sup>46</sup> Haydu, Jeffrey. 1998. Making use of the Past: Time Periods as Cases to Compare and as Sequences of Problem Solving. *American Journal of Sociology*, 104(2), p. 354.

<sup>47</sup> Pierson, Paul. 2000. Increase Returns, Path Dependence, and the Study of Politics. *American Political Science Review*, 94(2), p. 252.

<sup>48</sup> Wilsford, D. 1994. Path Dependency, or Why History Makes it Difficult but Not Impossible to Reform Healthcare Systems in a Big Way. *Journal of Public Policy*, 14(3), p. 258.

<sup>49</sup> Wilsford, Path Dependency, or Why History Makes it Difficult but Not Impossible to Reform Healthcare Systems in a Big Way, p. 259.

As Levi stresses, the key to understanding historical events and policy output rests in the use of thick historical narrative.<sup>50</sup> The use of historical narrative can shed light on the causes of current policy problems, and provide innovative policy solutions. History is incorrectly assumed to be irrelevant to current policy debates.<sup>51</sup> As such, the importance of utilising historical evidence in policy making has been recognised by numerous groups.<sup>52</sup> Given this, synthesising the existing literature concerning the evolution of overseas absent voting through the use of historical narrative is an important component of this research. This is particularly true as a full historical accounting of the development of overseas absent voting is not represented in the existing literature on overseas voting. Mapping the history of American military voting and the extension of voting rights to American citizens residing overseas facilitates the identification of recurring problems in the debate over time. This contextualises overseas absent voting and contributes to a new and broader understanding of the structure of overseas absent voting. This synthesis not only underpins this research, but has the potential to inform future policy initiatives.

Sequencing events through the use of historical narrative assists in explaining not only institutional change, but ‘off the equilibrium path’ behaviour such as the events of the 2000 Presidential Election.<sup>53</sup> Fortuitously, the history of overseas absent voting is distinctive in that it has been driven by highly public events. This characteristic of overseas absent voting most closely resembles punctuated equilibrium theory in that policymaking alternates between periods of policy stasis to periods of policy overreaction stemming from exogenous events.<sup>54</sup> As Baumgartner notes, punctuated equilibrium in public policy is characterised by long term and relatively incremental policy change followed by an outside

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<sup>50</sup> Levi, Margaret. 2006. *Modeling Complex Historical Processes with Analytical Narratives*. (<http://www.yale.edu/probmeth/Levi.pdf>, 10 September 2011).

<sup>51</sup> See for example History and Policy Network. 2012. *What We Do and Why*. London: King’s College London. (<http://www.historyandpolicy.org/>, 3 March 2012).

<sup>52</sup> See for example Parliamentary Office of Science and Technology. 2009. *Lessons from History, Postnote Number 323*. London: The Parliamentary Office of Science and Technology. (<http://www.parliament.uk/documents/post/postpn323.pdf>, 3 March 2012), and The Coalition for Evidence Based Policy. 2012. *Increasing Government Effectiveness Through Rigorous Evidence about ‘What Works’*. Washington, D.C.: The Coalition for Evidence Based Policy. (<http://coalition4evidence.org>, 3 March 2012).

<sup>53</sup> Levi, *Modeling Complex Historical Processes with Analytical Narratives*.

<sup>54</sup> True, James L., Jones, Bryan D. and Baumgartner, Frank R. 2007. ‘Punctuated Equilibrium Theory: Explaining Stability and Change in Public Policy Making’, in Sabatier, Paul A. (ed.), *Theories of the Policy Process*. Boulder: Westview Press, pp. 176-177.

shock that generates sharp and explosive policy change.<sup>55</sup> And, as is the case with overseas absent voting, these exogenous events occur at great distances from each other, suggesting extended periods of policy stasis or equilibrium.<sup>56</sup> In this regard, Rayner appropriately points out the importance of time as a significant explanatory factor in its own right, both in policy development as well as periods of policy stasis.<sup>57</sup> Further, the long term equilibrium prior to a crisis is referred to as path dependent in that the trajectory of policy processes are highly contingent in origin and inertial in nature.<sup>58</sup> This suggests path dependent and punctuated equilibrium processes are interlinked and dependent, and must be considered simultaneously to fully understand any policy change.

The thesis also engages with more traditional theoretical approaches, specifically the rational choice theory. Originally developed by Downs and subsequently extended by Riker and Ordeshook, the model assumes a rational individual will decide to vote based on a simple calculation of costs and benefits.<sup>59</sup> These costs include the time required to register to vote or the time required to mark a ballot, as well as the nature of the rules and regulations in place that facilitate voting.<sup>60</sup> Rational choice theory postulates that if the costs of voting are assumed to be higher than the benefits of voting, an individual will not vote. Key stakeholders and legislators argue the costs of voting from overseas are very high. As a result, since the 2000 Presidential Election, their focus has been exclusively on reducing participation costs for the American overseas voter with the expectation of improved overseas voter turnout. Indeed, The Help America Vote Act 2002 (HAVA) and the Military and Overseas Voter Empowerment Act of 2009 (MOVE) were designed to ease the rules regarding the overseas registration and voting process, thereby making the

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<sup>55</sup> Givel, Michael. 2010. The Evolution of the Theoretical Foundations of Punctuated Equilibrium Theory in Public Policy. *Review of Policy Research*, 27(2), p. 188.

<sup>56</sup> See Baumgartner, Frank R. and Jones, Bryan D. 2009. *Agendas and Instability in American Politics*. Chicago: The University of Chicago Press.

<sup>57</sup> Rayner, Understanding Policy Change as a Historical Problem, p. 84.

<sup>58</sup> Howlett, Michael and Rayner, Jeremy. 2006. Understanding the Historical Turn in the Policy Sciences: A Critique of Stochastic, Narrative, Path Dependency and Process Sequencing Models of Policy Making over Time. *Policy Sciences*, 39(1), p. 5.

<sup>59</sup> See Downs, Anthony. 1957. *An Economic Theory of Democracy*. New York: Harper Row, and Riker, William H. and Ordeshook, Peter C, 1968. A Theory of the Calculus of Voting. *American Political Science Review*, 62(1), pp. 25-43.

<sup>60</sup> Blais, Andre. 2000. *To Vote or Not to Vote: The Merits and Limits of Rational Choice Theory*. Pittsburgh: University of Pittsburgh Press, p. 2.

process easier and more accessible.<sup>61</sup> However, as Norris points out, while relaxing rules is thought to reduce the costs of voting and increase turnout, the impact of such activity on voter turnout is very limited.<sup>62</sup> Social background and cultural attitudes continue to exert a significant influence on patterns of political participation.<sup>63</sup> In this regard, while the rational choice model provides insight concerning the behaviour of key stakeholders and legislators involved in the overseas absent voting debate, it is not fully satisfactory in describing the voting behaviour of overseas Americans. Indeed, as Blais notes, political participation is more complex than the rational choice model permits.<sup>64</sup>

Fiorina extends this point noting that the application of the rational choice model is more useful where the number of players is relatively low.<sup>65</sup> In this regard, rational choice theory is very useful for enhancing understanding concerning the behaviour of the political parties and politicians involved in the 2000 Presidential Election controversy. This is because rational choice theory assumes that parties and political actors have pragmatic goals, for example winning elections. Given this emphasis on purposive action, consistent preferences and utility maximisation, Macdonald concurs that the model has great explanatory power concerning the behaviour of political parties, legislators, and politicians, however less explanatory power concerning voter behaviour.<sup>66</sup> As a result, the thesis takes a multidimensional approach, particularly concerning the analysis of the political behaviour of overseas Americans. This includes exploring a range of socioeconomic and demographic variables associated with the propensity to participate politically. Indeed, the literature exploring institutional variables affecting turnout note that socioeconomic and demographic variables continue to exert a strong influence on voter turnout and political participation.<sup>67</sup> And there is no reason to believe this is not the case with the American overseas community. This methodological eclecticism is a strength of this thesis, and highlights the

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<sup>61</sup> See Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat 1666 (2002) and Military and Overseas Voter Empowerment Act of 2009, Subtitle H of the National Defense Authorization Act for Fiscal Year 2010. H.R. 2647, Pub. L. 111-84, 123 Stat. 2190.

<sup>62</sup> Norris, *Electoral Engineering: Voting Rules and Political Behavior*, pp. 257-258.

<sup>63</sup> Norris, *Electoral Engineering: Voting Rules and Political Behavior*, pp. 257-258.

<sup>64</sup> Blais, *To Vote or Not to Vote: The Merits and Limits of Rational Choice Theory*, p. 137.

<sup>65</sup> Fiorina, Morris. 2000. When Stakes are High, Rationality Kicks In. *The New York Times*. February 26, 2000. ([www.nytimes.com](http://www.nytimes.com), 5 September 2012).

<sup>66</sup> Macdonald, Paul K. 2003. Useful Fiction or Miracle Maker: The Competing Epistemological Foundations of Rational Choice Theory. *American Political Science Review*, 97(4), p. 552.

<sup>67</sup> Larocca and Klemanski, U.S. State Election Reform and Turnout in Presidential Elections, p.95, and Rugeley and Jackson, Getting on the Rolls: Analyzing the Effects of Lowered Barriers on Voter Registration, pp. 71-72.

potential of this research to produce multifaceted findings concerning the American overseas community.

### **1.5 Survey Methodology**

The online Americans Living Abroad (ALA) survey is employed in this thesis to address the third research aim and, as noted in section 1.4, to extend the discussion concerning the overseas American voter beyond a rational choice model. De Vaus notes that survey research is well suited to provide certain types of factual and descriptive information.<sup>68</sup> Couper and Miller add that because internet survey facilities are inexpensive, widely available and quick at delivering results, research agendas have expanded to include niche topics that may not, and indeed could not, have been considered in prior research schemes.<sup>69</sup> Certainly because of the globally dispersed nature of the American overseas community, the logical choice for collecting data was an internet based online questionnaire. Other possible modes of data collection, such as postal questionnaires or face to face interviews, were considered. However these were not selected for a number of reasons, including feasibility, access and cost of administration. However, the internet has particular characteristics that present significant challenges to conducting research. The most notable is the potential for coverage bias related to internet access. When considering the method of administering a survey to this population, the potential for bias based on internet access was assessed. However, an assumed higher internet access rate was expected in this population due to their dispersed geographic location. This is because it was expected that internet access would be necessary to bridge the distances characteristics of this community. As is the case when conducting any survey, ensuring a random sample is also problematic. However De Vaus notes that the size of the population from which a sample is drawn is largely irrelevant to the accuracy of the sample, rather it is the absolute size of the sample that is important.<sup>70</sup> Ensuring a representative sample is also problematic in this scenario, as frankly, no one knows what a representative sample of the American overseas population would look like. De Vaus notes again however that the internet can be a very effective means of obtaining a representative sample of a specific population group

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<sup>68</sup> De Vaus, David. 2002. *Surveys in Social Research, 5<sup>th</sup> Edition*. London: Routledge, p. 5

<sup>69</sup> Couper, Mick P. and Miller Peter V. 2008. Web Survey Methods. *Public Opinion Quarterly*, 72(5), p. 2.

<sup>70</sup> De Vaus, *Surveys in Social Research, 5<sup>th</sup> Edition*, p. 81.

such as the American overseas community.<sup>71</sup> Survey sampling problems can also be overcome by replication, and while true replication in surveys is problematic, this is less so in this case when considering the extent of similarity to other related survey attempts.<sup>72</sup> Finally, there is frequently concern regarding low response rates associated with internet surveys. However Kaplowitz, Hadlock, and Levine note that a web survey application can achieve a comparable response rate to a mail hard copy questionnaire when both are preceded by an advance mail notification.<sup>73</sup> They further assert that the anonymous environment of the internet prevents respondents from undue influence by outside forces.<sup>74</sup> As such, respondents may be less likely to give socially desirable answers, thereby improving the accuracy of the data set.

### 1.5.1 Survey Design

The survey was divided into several sections based on four areas of enquiry including demographic characteristics, political attitudes, associational involvement and transnational activities. The choice of section and question order reflected an effort to avoid survey fatigue. Emphasis was placed on the logic of order, clarity and simplicity of the question set. To that end, section one focused on demographic information and included 14 questions. Within this set of questions, a pool of six attribute questions was included based on questions in the 2010 United States Census and the American National Election Study (ANES) time series evaluation.<sup>75</sup> This enabled a comparison of Americans residing in the continental United States to those residing overseas. The questions concerned common demographic characteristics including age, gender, marital status, education level, ethnicity and occupation. As is the case for both pools of potential questions, a high level of response alternatives was provided for this key demographic data to maximise variation across the cohort. The exception was the question concerning occupation. This was constructed with

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<sup>71</sup> De Vaus, *Surveys in Social Research*, 5<sup>th</sup> Edition, p. 79.

<sup>72</sup> Wright, Kevin B. 2005. Researching Internet-Based Populations: Advantages and Disadvantages of Online Survey Research, Online Questionnaire Authoring Software Packages, and Web Survey Services. *Journal of Computer-Mediated Communication*, 10(3), article 11.

<sup>73</sup> Kaplowitz, Michael D., Hadlock, Timothy D., and Levine, Ralph. 2004. A Comparison of Web and Mail Survey Response Rates. *Public Opinion Quarterly*, 68(1), p. 99.

<sup>74</sup> Kaplowitz, Hadlock, and Levine, A Comparison of Web and Mail Survey Response Rates, p. 99.

<sup>75</sup> The United States Census Bureau. 2008. *Questions Planned for the 2010 Census and American Community Survey*. Washington, D.C.: United States Census Bureau, and The American National Election Study. 2008. *ANES 2008 Pre-Election Questionnaire*. Ann Arbor: University of Michigan.

an open ended response to collect the full range of potential responses as it was unclear how occupational banding constructed in the United States might translate to the American overseas community.

Interspersed in section one were demographic questions specifically related to the American overseas community including state of residence for voting purposes, country of birth of respondent, country of birth of respondents parents or guardians, and the extent, if any, of military service. Additionally, several key questions relating to attachment levels to the United States, associational involvement in the resident country, and ideological self-identification were placed early to optimise robust and accurate responses. Scaling was incorporated into the attachment level questions to enable greater precision with responses and increase reliability, as well as to ensure the extremity of the belief or perception was captured. An additional original question was formulated to measure the level of difference of respondent's political views to those of family members and other members of respondent's social networks located both in the United States and in the resident country. Attachment level questions were heavily influenced by work conducted by Snel et al. regarding transnational activities and identification of immigrant groups living in the Netherlands, including immigrants from the United States.<sup>76</sup> Associational involvement questions were heavily influenced by work conducted by the network Citizenship, Involvement, Democracy (CID) which has attempted to capture the extent of citizen involvement in 12 European countries.<sup>77</sup> CID work also influenced the United States Citizenship, Involvement, Democracy project (USCID) which will be discussed in chapter five. Political self-identification questions reflect prior survey work conducted via the ANES time series evaluations in order to maximise the potential for comparison with citizens residing in the United States.<sup>78</sup>

Section two focused on information acquisition, interest in politics, political socialisation, and prior voting history and contained 11 questions. This set of questions was largely directed at the respondents experiences related to the 2008 Presidential Election. There

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<sup>76</sup> Snel, Engbersen and Leerkes, *Transnational Involvement and Social Integration*, pp. 285-308.

<sup>77</sup> Van Deth, Jan W., Montero, Jose Ramon, and Westholm, Anders (eds.). 2007. *Citizenship and Involvement in European Democracies: A Comparative Analysis*. Abingdon: Routledge.

<sup>78</sup> The American National Election Study, *ANES 2008 Pre-Election Questionnaire*.

were two questions concerning levels of political interest, one focusing on overall political interest and one focusing on interest in the 2008 Presidential Election. Respondents were asked to select one alternative from a list of four responses reflecting a high level of interest to no interest. One question was included regarding political socialisation, and pertained to the frequency of political discussions at home during respondent's childhood. Again, respondents were asked to select one alternative from a list of five responses reflecting a high level of political discussion to no political discussion. Following on from this were three questions relating to information acquisition regarding the 2008 Presidential Election. In the first instance, respondents were asked about the extent and frequency of discussions regarding the 2008 Presidential Election with family members as well as members of other social networks located both in the United States and in the resident country. This line of enquiry then moved to capture the source and extent of information acquisition from traditional and non-traditional media sources for the 2008 Presidential Election. Respondents were allowed to select from a list of possible media sources as well as to indicate the frequency of engagement with that source. An open ended response option was included to capture any alternatives or unanticipated responses. Respondents were then asked to identify their main source of information regarding the 2008 Presidential Election, with an open ended response option included to capture any alternatives or unanticipated responses.

There were five questions related to voting history which were designed to explore not only recent voting history, but feelings of political obligation and the civic duty to vote. Initially, respondents were asked about their recent voting history starting with a general recollection of voting in elections and a more specific recollection of voting in the 2004 Presidential Election. In both instances, respondents were asked to select one alternative from a list of five responses in the case of recent voting history, and four responses in the case of the 2004 Presidential Election voting history. Subsequently, respondents were asked to reflect on their prior 2004 voting experience from overseas and determine if their 2008 experience was better or worse. Again, respondents were asked to select one alternative from a list of four responses. Respondents were then provided with two belief statements relating to the civic duty to vote. These questions were positioned to gauge any difference in a perceived level of civic obligation to vote between American citizens residing in the United States

and those residing overseas. Respondents were asked to select between one of two possible responses reflecting their level of agreement to the belief statement.

Sections three through six focused on particular systemic difficulties that the American overseas community may have faced when attempting to vote from overseas in the 2008 Presidential Election. Sections three and five contained one filter question each to correctly direct respondents through the series of questions. Sections four and six cumulatively contained 14 questions designed to capture the extent of any improvements to the overseas voting system since the inception of HAVA, and identify any systemic difficulties that remain. The structure of these sections focused firstly on registration procedures and secondly on voting procedures. Questions in the section were placed in the survey predominantly as a validation and replication exercise. As will be noted throughout this thesis, since the 2000 Presidential Election, key stakeholder groups have surveyed their membership in an attempt to capture the nature and extent of systemic difficulties in the overseas voting process.<sup>79</sup> This exercise has largely been directed at defining and driving legislative change. By including similar systemic questions on this survey, the reliability of key stakeholder data can be enhanced, and in turn, the data collected in this survey can be judged as having more generalisability based on the extent of similarity. This is not a perfect exercise, but goes some way in safeguarding against falsification.<sup>80</sup>

Section seven of the survey contained nine questions and explored the extent of partisanship and party identification, and offered several questions formatted as belief statements regarding the responsiveness of the Federal Government to the American overseas community. Further, several questions of a more provocative nature explored the extent of particular perceptions and occurrences that may be associated with the overseas community. The first question related to possible explanations for why a respondent may not have voted. This question was very carefully worded so as to not place any value judgment on the act of voting and avoid respondents providing socially desirable answers. Further, this question served to capture any over-reporting bias in voting behaviour given in

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<sup>79</sup> See for example Democrats Abroad. 2009. *Overseas Absentee Voting 2008 Review*. Washington, D.C.: Democrats Abroad, Overseas Vote Foundation. 2009. *2008 OVF Post Election UOCAVA Survey Report and Analysis*. Arlington: Overseas Vote Foundation, and United States Election Assistance Commission. 2006. *Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA): U.S. Election Assistance Commission Survey Report Findings. March 2006*. Washington, D.C.: United States Election Assistance Commission.

<sup>80</sup> De Vaus, *Surveys in Social Research, Fifth Edition*, p. 209.

filter question 33 in section five. Party partisanship and partisan self-identification questions were based on the ANES time series evaluation in order to maximise the potential for comparison with citizens residing in the United States.<sup>81</sup> Respondents were asked to select one alternative from a list of nine responses when evaluating the perceived partisanship of the Democratic Party and Republican Party. The belief statements relating to the responsiveness of the Federal Government to the overseas community offered respondents five alternatives presented in a Likert style grid in order to provide better response distribution than a dichotomous response. The remaining four questions were more challenging in nature and explored the respondent's perception of the influence and reputation of the United States since the 2004 Presidential Election, as well as the respondent's comfort level in identifying themselves as being an American residing overseas and the extent of any anti-American sentiment directed at the respondent. Respondents were asked to select one alternative from a list of four or five possible responses respectively.

The final section of the survey contained 12 questions and focused on additional demographic data unique to the American overseas community, the extent and frequency of transnational activities, and further specificity regarding attachment levels. Five questions addressed demographic information including the current country of residence, length of residency in that country, whether overseas residency is expected to continue, the number of different countries respondent has resided in excluding the United States, and whether respondent has dual citizenship. With the exception of the current country of residence question, respondents were asked to select from one alternative from a list of possible responses for all demographic questions. The current country of residence question was left as an open ended question as there was no prior idea of what the range of possible responses could be. Three questions were included that explored the extent of involvement in typical transnational activities such as sending remittances, and the frequency of travel to the country of origin. As noted previously, these questions were based on research conducted by Snel et al.<sup>82</sup> With regard to travel, respondents were asked to select one alternative from a list of seven possible responses representing their average annual travel to the United States for both business and personal reasons. With regard to transnational

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<sup>81</sup> The American National Election Study, *ANES 2008 Pre-Election Questionnaire*.

<sup>82</sup> Snel, Engbersen, and Leerkes, *Transnational Involvement and Social Integration*, pp. 285-308.

activities, respondents were asked to select all those possible responses that applied to them. Respondents were asked to consider their attachment level to their current place of residence as well as to different groups of people reflecting the extent of the respondent's potential social network. Again, scaling was incorporated into the attachment question to enable greater precision with responses, increase reliability and capture the extremity of the attachment. Finally, respondents were given the option of leaving contact information to facilitate future related research. A copy of the ALA survey is included in this thesis as Appendix C.

### **1.5.2 Sample Selection**

Obtaining a sample for this survey was challenging. It is unclear how many American overseas voters there are or where they live.<sup>83</sup> As such, non-probability sampling techniques were used including purposive sampling in which certain respondent groups were identified as potentially being able to provide significant data relating to the American overseas experience. A logical first step in securing a sample with the appropriate experience was to approach the overseas branches of the Republican and Democratic parties and request their assistance in survey distribution or alternatively, access to their membership lists. To extend the sample frame, other nonpartisan organisations that were clearly associated with Americans residing overseas were also approached to request survey distribution or gain access to membership lists, including Americans Resident Overseas (ARO), The Overseas Vote Foundation (OVF), American Citizens Abroad (ACA) and The Federation of American Women's Clubs Overseas (FAWCO). Additionally, to try to capture those potential overseas respondents that may not be affiliated with any particular organisation, the State Department was approached to request survey distribution or alternatively, to gain access to embassy and consulate warden lists. As a final strategy in expanding the sample, snowball sampling techniques that are effective at reaching populations that are inaccessible or hard to find were utilised.<sup>84</sup> In this regard, respondents

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<sup>83</sup> See Smith, Defining the Universe: The Problem of Counting UOCAVA Voters, The United States Census Bureau, Population Division, *Issues of Counting Americans Overseas in Future Censuses*, and United States Congress, *Americans Abroad, How Can We Count Them?*

<sup>84</sup> For a basic description of snowball sampling techniques see Oliver, Paul. 2008. *Writing Your Thesis, Second Edition*. London: Sage Publications, p. 110, or Burnham, Peter, Gilland, Karin, Grant, Wyn and Layton-Henry, Zig. 2004. *Research Methods in Politics*. Basingstoke: Palgrave, p. 91.

to the survey were encouraged to forward the survey link to other potential Americans residing overseas that would be willing to participate in the survey.

Success at securing access to potential respondents was mixed. Democrats Abroad (DA) and Republicans Abroad (RA) were contacted early in July of 2008 prior to the November 2008 Presidential Election. Initially, neither party responded to the first request to participate in the survey. Later during July, information was received that linked the secretary of DA UK to the alma mater of several of my family members in the United States. A further request noting this familial connection was sent directly to the secretary of the UK branch of Democrats Abroad. On 25 July 2008, agreement in principle was reached with DA to participate in the research. Continued efforts were made for several months to seek out the cooperation of RA, most notably by contacting Cynthia Dillon, Executive Director of Republicans Abroad, in her Washington, D.C office in February 2009. She indicated she was not opposed to participation however due to the structure of RA, each branch or chapter would have to make their own decision regarding participation. Permission was given to contact each branch or chapter of RA directly to solicit participation. On 18 February 2009, a global email was sent to 41 country chairpersons of RA, followed by two reminder emails. Positive responses were received from Republicans Abroad Portugal, Vietnam and Israel.

As noted prior, one of the sampling strategies employed was contacting nonpartisan organisations operating on behalf of Americans residing overseas. These organisations noted previously were selected based on a clear remit related to Americans residing overseas and the potential to have sizeable membership lists. Out of the four major groups that were contacted, one group, ACA, agreed to publish the link to the survey in their online monthly newsletter after the 2008 Presidential Election. The OVF declined participation due to their own research agenda, however it should be noted they agreed to future collaboration which entailed including several questions from this survey in their 2010 Military and Overseas Citizens (UOCAVA) survey.<sup>85</sup> No responses were received from AARO and FAWCO. Further, as discussed above, noting that the State Department had assisted in FVAP research, the State Department's Chief Voting Officer, Elizabeth

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<sup>85</sup> For a discussion concerning the result of this collaboration, see chapter five, section 5.4.2 concerning political self-identification.

Gracon, was contacted in an attempt to solicit the distribution of the survey via the United States Embassy and United States Consulate warden list system. While the State Department was supportive of the research, they declined to distribute the survey noting the warden list system was only used in the event of an emergency.

This left the sample for the survey largely, although not exclusively, derived from the organisation Democrats Abroad (DA). The overall size of this sample was unknown as DA refused to disclose their membership numbers, however based on correspondence regarding DA survey response rates, their membership at the time of the survey appeared to be around 39,000.<sup>86</sup> These two issues, overall sample population and the homogeneity of that population, create problems for the generalisability of the data across the entire American overseas population, however some observations can be made regarding the sample. The respondent size for this survey is 701, with a survey completion rate of 95.3 percent, which equates to a sampling error of 3.7 percent at a 95 percent confidence level assuming a heterogeneous population, and a smaller sampling error of 2.2 percent assuming 90 percent homogeneity within the population.<sup>87</sup> This allows a good degree of generalisability to individuals affiliated with the Democratic Party residing overseas. However, generalisability across the entire overseas population is problematic, but not statistically impossible.

### **1.5.3 Survey Administration**

The survey was administered via SurveyMonkey, a web based provider of survey construction tools and data storage. SurveyMonkey was selected almost exclusively due to cost considerations. The use of SurveyMonkey was very straightforward in terms of survey administration and construction and presented with no obvious problems or difficulties. The survey was piloted on 8 January 2009 to members of academic staff who are U.S. citizens, as well as several PhD students who are Americans temporarily residing overseas. Pilot respondents were requested to participate via email and given the link to the survey to ensure the survey link, as well as the survey itself, was functioning correctly. An

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<sup>86</sup> Suwannarat, Gary. 2009. *Survey Results*. (Personal Communication, 13 March 2009). See also footnote 91 in this chapter.

<sup>87</sup> De Vaus, *Surveys in Social Research, 5<sup>th</sup> Edition*, p. 82.

attachment of the survey was also included in the email that the pilot respondent could print, complete and provide any further comments or suggestions regarding the survey design. Pilot respondents were also asked to forward the survey to other Americans residing abroad, or provide those contact details in order to request participation in the pilot. The piloting exercise was successfully completed on 14 January 2009. As a result of the piloting exercise, several questions were slightly modified. For example, a 'don't know' response option was included in question 14 concerning the extent of difference of political views of family and friends, and in question 12 clarification was made concerning a respondent's involvement in U.S. political parties that are specifically located abroad. However, the survey functioned well online and required no logic correction.

While the organisations that agreed to participate in the survey requested minimal discussion or direction in regards to accessing and distributing the survey, Democrats Abroad requested a high level of discussion regarding the survey which ultimately delayed the roll out of the survey by approximately three to four months. After the initial agreement in principle to participate in the survey was given in July 2008, DA noted their inability to discuss any particulars regarding the survey due to their focus on the 2008 Election. In November 2008 after the election, introductions were made to several key individuals in the global leadership team of DA, including Mr. Joe Green and Ms. Margo Miller, International Voter Registration Co-Chairs.<sup>88</sup> Subsequent to this introduction, several general discussions were held regarding the survey. During these discussions, agreement was reached to distribute the link to the survey to the global membership of DA, however DA indicated they were involved in various activities concerning the change in administration and were not prepared to roll out the survey until after the inauguration. After the January 2009 Presidential Inauguration, DA requested a copy of the survey for their review. The survey was provided along with an invitation to integrate any questions that could be useful to DA into the survey. About one month after receiving the finished survey for this thesis, DA indicated they would be conducting their own survey, although they would still facilitate this survey.<sup>89</sup> However, it was unclear how this would happen. A copy of the DA survey was provided to me for review, and it was noted that on the last

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<sup>88</sup> Ekelchik, Jodi. 2008. *Introduction*. (Personal Correspondence, 29 November 2008).

<sup>89</sup> Green, Joe. 2009. *Survey*. (Personal Correspondence 18 November 2009).

page of their survey there was an invitation to participate in the survey for this thesis.<sup>90</sup> However, no live link to the thesis survey was included. As a result, respondents who were interested in participating had to copy and paste the thesis survey link, or retype the link in order to access the survey. This situation had a detrimental effect on the response rate to this survey as ultimately the response rate was only about 8 percent of the officially reported response rate to the DA survey.<sup>91</sup> While this situation was tremendously disappointing, Democrats Abroad had the power to refuse access completely, so questioning or protesting this change of events was not an option.

#### 1.5.4 Survey Limitations

The web has become an increasingly popular choice for conducting research primarily due to accessibility and cost. This popularity extends to the academic world as increasing numbers of research programmes are incorporating web based surveys into their research designs.<sup>92</sup> A common criticism of internet based surveys is that they are unrepresentative and cannot be generalised due to data collection from non-probability samples.<sup>93</sup> Further, a frequent concern regarding web based surveys is the potential for bias due to varying degrees of internet access. This bias is frequently reflected in certain variables, most notably age, education and income. However recent evidence suggests the existence of bias is not as significant as some would imagine, and that internet surveys produce representative samples with reliable and valid data.<sup>94</sup> As noted earlier in this chapter, DeVaus indicates that while internet surveys may not be representative of the general

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<sup>90</sup> Suwannarat, Gary. 2009. *DA Voter Survey pdf*. (Personal Correspondence, 5 March 2009).

<sup>91</sup> Democrats Abroad, *Overseas Absentee Voting 2008 Review*. In this report, Democrats Abroad note their response rate to be 9700 reflecting 14.3 percent of their membership. However, this does not correlate with the figures that were given to me in March of 2009. At that time, I was told their response rate was around 3500. This would mean that the response rate for the thesis survey was around 20 percent of their response rate. Further, in their report DA makes a claim that all those who responded to their survey are members in DA. The findings of the survey for this thesis indicate that only 59.5 percent of respondents indicate they are a member of a U.S. political party represented abroad. It should be noted DA have not made their data set available for review.

<sup>92</sup> Atkeson, L.R., Adams, A.N., Bryant, L.A. Zilberman, L. and Saunders, K.L. 2011. Considering Mixed Mode Surveys for Questions in Political Behavior: Using the Internet and Mail to Get Quality Data at Reasonable Costs. *Political Behaviour*, 33(1), p. 162.

<sup>93</sup> Malhotra, Neil and Krosnick, Jon A, 2007. The Effect of Survey Mode and Sampling Inferences about Political Attitudes and Behavior: Comparing the 2000 And 2004 ANES to Internet Surveys with Nonprobability Samples. *Political Analysis*, 15(3), pp. 286-323.

<sup>94</sup> Atkeson, L.R., Adams, A.N., Bryant, L.A. Zilberman, L. and Saunders, K.L. 2011. Considering Mixed Mode Surveys for Questions in Political Behavior: Using the Internet and Mail to Get Quality Data at Reasonable Costs. *Political Behaviour*, 33(1), p. 174.

population, they are very useful at obtaining representative samples of specific populations.<sup>95</sup> So while the potential bias in internet surveys must be recognised, an assumption is being made in this research that any potential bias is largely mediated by the specificity of our population group. Further, as Couper and Miller note, ensuring a high level of transparency regarding methodology when conducting internet based surveys is critical in ensuring overall quality and mediates issues concerning sampling bias.<sup>96</sup> This is because transparency promotes open evaluation of research findings.<sup>97</sup>

The sample bias in this survey limits its overall generalisability to the full American overseas population, however it is not statistically impossible to generalise. Because the only possibility of deriving a sample for this research was through non-probability sampling techniques, it is not possible at this time to obtain a data set that can be fully generalised to the American overseas population. This situation applies to all key stakeholder group survey attempts as well. Respondents from Democrats Abroad are overrepresented in this survey. Because of this, the survey results have the most generalisability to the American overseas population that associate themselves with the Democratic Party. There may be an element of self-selection bias in the survey results due to the manner in which respondents were able to access the survey. However, self-selection bias is a major problem in all survey research, particularly surveys of politically active people. Generally, individuals with strong opinions or substantial knowledge may be more motivated to participate in survey research. Considering the steps required to access the survey discussed prior, only highly motivated individuals were likely to complete the survey which could result in extreme or strong perspectives being overrepresented.

The problem of the homogeneity of the survey cohort and the potential for self-selection bias causes the results of several specific questions in the survey to come into question. In section seven of the survey, two questions designed for both Republican and Democratic responses were asked regarding the respondent's perception of the influence and reputation of the United States since the 2004 Presidential Election. The results of these two questions are skewed which could reflect a strong liberal bias present in the cohort that is more

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<sup>95</sup> De Vaus, *Surveys in Social Research*, 5<sup>th</sup> Edition, p. 79.

<sup>96</sup> Couper, Mick P. and Miller Peter V. 2008. Web Survey Methods. *Public Opinion Quarterly*, 72(5), p. 833.

<sup>97</sup> Couper and Miller, 2008. Web Survey Methods, p. 833.

reflective exclusively of the membership of DA. Further, respondents were asked to evaluate the partisanship of the Democratic Party and the Republican Party. Even though respondents were offered nine response alternatives, the results to these two questions are also highly skewed which again may reflect a strong liberal bias in the cohort. Although the distribution of the responses in all the above questions lacks diversity and range, the results are nevertheless useful when generalised only to the composition of Democrats Abroad (DA), and are further useful when comparing the results to Democrats in the continental United States.

Problems with the administration of the survey were noted in the discussion regarding negotiations with Democrats Abroad (DA). It was less than optimal to include an invitation to participate in this survey at the end of an already completed survey for DA. This situation introduced the possibility of survey fatigue even before a respondent engaged with this survey. Survey fatigue normally manifests itself in the questions found at the end of a survey as respondents, while answering a question, may not give the fullest response possible thus affecting the quality and accuracy of the data.<sup>98</sup> This situation may have been introduced earlier in the survey due to the completion of the DA survey first. However, Naryan and Krosnik's meta-analysis noted that the potential to under-report as a result of survey fatigue may be mediated by higher levels of education.<sup>99</sup> What is certain is the mechanism for inviting participants to the survey had a detrimental effect on the overall response rate.

## 1.6 Organisation of Thesis

The 2000 Presidential Election acts as the focusing event for this thesis. As such, chapter two of the thesis will unpack the events of the 2000 Presidential Election in an attempt to understand what went wrong in the United States election system. Constitutional arguments will be presented through the primary legal cases associated with this event with emphasis placed on the controversy surrounding overseas absentee ballots in the state of Florida. The

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<sup>98</sup> Backor, Kristen, Golde, Saar and Nie, Norman. 2007. *Estimating Survey Fatigue in Time Use Study*. Stanford Institute for the Quantitative Study of Society: Stanford University, p. 20. ([http://www.stanford.edu/~sgolde/Papers/Survey\\_Fatigue.pdf](http://www.stanford.edu/~sgolde/Papers/Survey_Fatigue.pdf), 13 September 2011).

<sup>99</sup> Narayan, Sowmya. and Krosnick, Jon A. 1996. Education Moderates Some Response Effects in Attitude Measurement. *Public Opinion Quarterly*, 60(1), p. 21.

state and Federal Government reactions to the 2000 Election will be presented, including the implementation of the Help America Vote Act of 2002 (HAVA). An assessment of the specifics of HAVA and the immediate problems associated with HAVA will follow, as well as an assessment of the immediate effectiveness of the bill.

Chapter three will extend the discussion of overseas absent voting to include the larger historical debates. In doing so, the thesis will show that while the 2000 Presidential Election appears to be an exceptional event, it is by no means a unique event in the story of overseas voting. The chapter will firstly frame this discussion by defining absent voting. Then, it will examine the origins of the shared power between the federal and state governments concerning election administration. Then crucial events that have contributed to the development of overseas absent voting will be discussed, with a focus on identifying similarities to the events of the 2000 Election. Through synthesising the historical debates concerning overseas absent voting, a new structure that contextualises overseas absent voting will be presented that provides a broader understanding beyond the events of the 2000 Election.

Chapter four will consider whether the Help America Vote Act 2002 (HAVA) and the Military and Overseas Voter Empowerment Act of 2009 (MOVE) have been successful in increasing American overseas voter turnout. A summation of the problems overseas voters face in the overseas voting process will be presented, followed by a review of how HAVA and the MOVE Act intended to correct these problems. A review of the literature exploring the relationship between relaxed election administration rules and voter turnout will then be presented. The challenges faced when measuring overseas turnout will then be discussed, firstly considering the construction of overseas population figures, and then considering the construction of overseas voter turnout. Utilising a range of overseas population estimates, as well as the overseas ballot data collected by the Election Assistance Commission (EAC), overseas voter turnout will then be measured. A discussion will subsequently follow considering the results of this process, including an assessment of the success of HAVA and the MOVE Act in improving overseas turnout.

Chapter five will present the findings from the Americans Living Abroad (ALA) survey conducted in January 2009 for this thesis. The ALA survey results will offer a different

perspective concerning the American overseas community that will enhance understanding concerning their turnout and participatory behaviour. The structure of this chapter will begin by assessing the broader significance of the variables of demographics, political attitudes, associational involvement and transnational activity to political participation. A brief discussion of survey methodology will be included, acting as a complement to the extended discussion of survey methodology in chapter one. This will be followed by an analysis of the ALA survey findings. The chapter will then conclude with a consideration of the larger implications of the ALA survey results.

Chapter six will draw together the findings from this research. It will first consider current developments in the overseas absent voting debate that have not been included in the thesis because these events have occurred so recently. The chapter will then present a synthesis and analysis of the findings of the research. This will include consideration of the research limitations and a discussion of the key findings of this research. This will be followed by recommendations and suggestions for future research in this area, followed by concluding thoughts regarding the American overseas voting debate.

## Chapter 2: The Case of the 2000 Presidential Election

### 2.1 Introduction

Pippa Norris notes the essential standards elections must meet in order to be considered legitimate, including the criteria that elections should use fair, honest, efficient and transparent procedures from voter registration to the final vote tally.<sup>1</sup> The events surrounding the 2000 Presidential Election drew unwanted global attention to the election system of the United States which, in the eyes of many, failed to meet these basic standards. As a result, the 2000 Election has been the subject of unparalleled interest and academic scrutiny ever since. For example, Crotty's *America's Choice* considered a wide variety of contributing factors to the 2000 Election controversy including the role of public opinion in influencing some of the key events.<sup>2</sup> Gillman assessed the involvement of the Supreme Court in the 2000 Election.<sup>3</sup> Numerous studies have explored more pragmatic areas like election reform after the 2000 Election including Palazzolo's study of reform within the states, and Krutz's study of the federal influence on state reform.<sup>4</sup> Studies have also focused on the voting systems used in the 2000 Election, including Fife and Miller's work that correlates state political culture and voting systems use, and Alvarez and Hall's work that focused on the deficiencies of the voting systems in place during the 2000 Election.<sup>5</sup> There have also been broader treatments such as Dark's exploration of the impact of an increasingly globalised American electorate on the 2000 Election outcome.<sup>6</sup>

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<sup>1</sup> Norris, Pippa. 2004. *Electoral Engineering: Voting Rules and Political Behavior*. Cambridge, Cambridge University Press, p. 4.

<sup>2</sup> Crotty, William. (ed.). 2001. *America's Choice 2000: Entering a New Millenium*. Boulder: Westview Press.

<sup>3</sup> Gillman, Howard. 2001. *The Votes That Counted: How the Court Decided the 2000 Presidential Election*. Chicago: The University of Chicago Press.

<sup>4</sup> Palazzolo, Daniel J. 2005. 'Election Reform after the 2000 Election' in Palazzolo Daniel J. and Ceaser, James W. (eds.), *Election Reform Politics and Policy*. Lanham: Lexington Books, pp. 3-15, and Krutz, Glen S. 2005. The Effect of HAVA on Late to Innovate States: External Influence on Election Reform in Arizona and Illinois. *Publius: The Journal of Federalism*, 35(4), pp. 579-596.

<sup>5</sup> Fife, Brian L. and Miller, GERALYN M. 2002. *Political Culture and Voting Systems in the United States: An Examination of the 2000 Presidential Election*. Westport: Praeger, and Alvarez, R.M., Hall, T.E. and Roberts, B.F. 2007. Military Voting and the Law: Procedural and Technological Solutions to the Ballot Transit Problem. *Caltech/MIT Voting Technology Project Working Paper #53*. (<http://content.lib.utah.edu/u?ir-main,8432>, 15 October 2008).

<sup>6</sup> Dark III, Taylor E. 2003. Americans Abroad: The Challenge of a Globalized Electorate. *PS: Political Science and Politics*, 36(4), pp. 733-740.

Important to this thesis, however, are several principle issues from this election that proved fundamental to the controversy. The first issue concerned disparate and ambiguous state election procedures, particularly regarding the handling of overseas absentee ballots. In this instance, the application of incongruent procedures, particularly in the state of Florida, caused disorder in terms of counting these ballots. The second issue concerned the relationship between the constitutional structure of the United States, federal requirements relative to election administration, and state application of this system. The magnitude of this second issue was demonstrated through voluminous amounts of litigation at the state and federal level that showcased the tension between federal law and constitutionally protected state authority in interpreting that law. This culminated in the Supreme Court's intervention in the state of Florida through its decision in *Bush v. Gore* which ultimately determined the election 36 days after the ballot.<sup>7</sup> The final issue concerned the extent to which the political actors involved in the controversy were willing to alter their positions in order to secure the election victory. The rational choice model highlights the likelihood for political actors to act according to their own self interest in the hope of achieving their preferred outcome.<sup>8</sup> Indeed, the model provides some predictive capacity concerning the direction, or lack of direction, of the policy debates and policy output of the 2000 Election controversy. As this chapter will show, the positions of the political actors during the 2000 Election controversy, and the policy debates that followed, were highly partisan and problematic, yet not surprising.

To be certain, the 2000 Presidential Election demonstrated that the rules that dictate the conduct of democratic elections are fundamental in legitimating electoral processes and outcomes. Given this, the 2000 Election was seen as a pivotal episode, suddenly bringing to light concerns about a number of issues relevant to the U.S. election system, particularly the malleability of the rules, and the difficulties faced by overseas absent voters. The policy solution designed to correct these problems was the largely bipartisan Help America Vote Act of 2002 (HAVA). Many organisations, including the Century Foundation, The Pew Charitable Trusts and the National Commission on Federal Election Reform (NCFER), had tremendous hope in the ability of HAVA to correct the problems arising from the 2000 Election. However, many viewed HAVA with suspicion and negativity, particularly state

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<sup>7</sup> Bush, et al. v. Gore, et al., 531 U.S. 98 (2000).

<sup>8</sup> Dowding, Keith M. 1991. *Rational Choice and Political Power*. Aldershot: Edward Elgar Publishing, p. 48.

and local election administrators who were keen on protecting their election administration authority.<sup>9</sup> Subsequently, the long term utility of HAVA was called into question, suggesting that arriving at effective election policy was likely to be an ongoing and difficult process.

This chapter will articulate the circumstances of the 2000 Presidential Election in order to understand the events that led to the implementation of HAVA. Through the use of thick historical narrative, the chapter will contextualise the events of the 2000 Presidential Election and present nuanced detail to enhance understanding of the nature of absent voting legislation in the United States.<sup>10</sup> Constitutional arguments will be presented through the primary legal cases associated with this event. An assessment of the specifics of HAVA and the immediate problems associated with HAVA will also be presented. This will be followed by an assessment of the effectiveness of the bill. It should be noted this examination is not designed to be an exhaustive legal study, but to illustrate the tension between federal and state election administration. In doing so, it will highlight the problems caused by a system that lacks standardised practice and is frequently highly partisan.

## **2.2 Understanding the 2000 Presidential Election**

The 2000 Presidential Election was one of the closest contests in U.S. history. At the end of election night, 7 November 2000, the margin of votes between the candidates nationally stood at 192,638 in favour of Democratic candidate Al Gore out of over 100 million votes cast.<sup>11</sup> On the night, election results in five states were too close to call.<sup>12</sup> The outcome of the election appeared to be hanging in the balance, with attention being ultimately directed to the state of Florida. This focus resulted from Florida's 25 Electoral College votes that were needed by either candidate to secure the win. The morning of 8 November 2000, the Florida Division of Elections reported that Bush had received 2,909,135 votes and Gore had received 2,907,351, a margin of 1,784 votes in Bush's favour, or less than half a

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<sup>9</sup> This sentiment is expressed succinctly in National Association of Secretaries of State. 2005. *New Election Reform Legislation Would Undermine Progress and Interfere With States Rights*. (Press Release February 6, 2005). (<http://www.nass.org>, 3 March 2009).

<sup>10</sup> Buthe, Tim. 2002. Taking Temporality Seriously: Modeling History and the Use of Narratives as Evidence. *The American Political Science Review*, 96(3), p. 486.

<sup>11</sup> See Appendix A for the final and complete 2000 Presidential Election national vote result.

<sup>12</sup> New Mexico, Iowa, New Hampshire, Michigan and Florida

percent of the votes cast in the state of Florida.<sup>13</sup> This slight margin triggered an automatic recount under Florida §102.141 (2000), which resulted in a much smaller margin of victory for Bush of around 300 votes.<sup>14</sup> Subsequent to counting the overseas absentee ballots, that lead grew to around 900 votes. Given the closeness of the count, Gore submitted a written request for manual recounts only to the canvassing boards of the heavily Democratic counties of Volusia, Palm Beach, Broward and Miami-Dade in accordance with his statutory right as outlined in Florida §102.166 (2000).<sup>15</sup> Of paramount concern was the requirement for local canvassing boards to certify their election results no later than 5:00 p.m., 14 November 2000. This was in accordance with Florida §102.111(2000) and Florida §102.112 (2000).<sup>16</sup> The Florida Secretary of State Katherine Harris, also the Bush state campaign co-chairwoman, indicated she would not accept any amended returns after that statutory deadline.

According to Florida §102.166 (4d) (2000) manual recounts must include at least three precincts and at least one percent of the total votes cast per county.<sup>17</sup> The recounts proceeded under these guidelines and resulted in Broward County, after recounting one percent of the net votes cast, reporting a net increase of four votes for Gore, and Palm Beach County, after recounting four precincts, reporting a net increase of 19 votes for Gore. Based on these recounts, these county canvassing boards determined that the manual recounts conducted indicated ‘an error in the vote tabulation which could affect the outcome of the election’ as prescribed in Florida §102.166 (5) (2000).<sup>18</sup> As a result of the preliminary recounts in Broward and Palm Beach Counties, the Volusia County Canvassing Board filed suit in the Florida Second Circuit Court in order to facilitate a full recount within that county.<sup>19</sup> The declaratory judgment sought to nullify the 14 November 2000

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<sup>13</sup> See Appendix B for the final and complete 2000 Presidential Election result for the state of Florida.

<sup>14</sup> Florida Code, Title IX, Chapter 102. Conducting Elections and Ascertaining the Results. *The 2000 Florida Statutes*. (<http://www.leg.state.fl.us/statutes>, 10 October 2009).

<sup>15</sup> Florida Code, Title IX, Chapter 102.

<sup>16</sup> Florida Code, Title IX, Chapter 102.

<sup>17</sup> Florida Code, Title IX, Chapter 102.

<sup>18</sup> Florida Code, Title IX, Chapter 102.

<sup>19</sup> *McDermott v. Harris*, No. 00-2700, unpublished order at 7 (Fla. 2d Cir. Ct. Nov. 14, 2000).

deadline and compel the Florida Secretary of State to accept amended returns after that date.<sup>20</sup>

In *McDermott v. Harris*, the court ruled that the 14 November 2000 deadline would stand.<sup>21</sup> However, the ruling included instructions noting that the Secretary of State could ‘exercise her discretion’ when considering all circumstances in allowing any amended returns.<sup>22</sup> The order further indicated Ms. Harris had offered a rigid interpretation of the Florida Election Statutes in the interest of finality, and urged Ms. Harris to consider the importance of accuracy over finality as the election statutes suggest.<sup>23</sup> Ms. Harris subsequently issued the criteria by which she would, and would not, consider waiving the statutory deadline to accept any amended election returns.<sup>24</sup> Harris then indicated she would accept and consider all written statements regarding the facts and circumstances of the request for submitting an amended return if they were received by 2 p.m., 15 November 2000.<sup>25</sup>

The aforementioned four counties submitted their written statements detailing the facts and circumstances of their requests, however all were rejected by Harris. Volusia County Canvassing Board subsequently filed an appeal to the First District Court of Appeal, with the Palm Beach County Canvassing Board and the Florida Democratic Party joining the appeal. On 17 November 2000, the court enjoined Ms. Harris and the Elections Canvassing Commission from certifying the election results until further order from the Court of Appeal.<sup>26</sup> Meanwhile, on 16 November 2000, the Florida Democratic Party and Al Gore filed an emergency suit in the Florida Second Circuit Court arguing Ms. Harris had been arbitrary in her discretion and sought to compel Ms. Harris to accept the amended returns. This suit was denied, and further appeal was submitted to the First District Court of Appeal, which subsequently combined Gore’s appeal with those of the various county canvassing

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<sup>20</sup> Individuals or parties may seek a declaratory judgement after a legal controversy has arisen but before any damages have occurred or any laws have been violated. In this respect, a declaratory judgement is preventative by declaring the rights of each of the parties involved prior to any breach of law.

<sup>21</sup> *McDermott v. Harris*.

<sup>22</sup> *McDermott v. Harris*.

<sup>23</sup> *McDermott v. Harris*.

<sup>24</sup> *Palm Beach County Canvassing Board v. Katherine Harris, etc., et al.* Case No. SC00-2346. (Fla. November 21, 2000). Late-filing criteria are at note 5.

<sup>25</sup> *Palm Beach County Canvassing Board v. Katherine Harris* at note 5 (November 21, 2000).

<sup>26</sup> *Palm Beach County Canvassing Board v. Katherine Harris, etc., et al.* Case No. SC00-2346. (Fla. November 17, 2000).

boards.<sup>27</sup> On 21 November 2000, the Florida Supreme Court issued its opinion by extending the deadline for submitting election returns to 5 p.m., 26 November 2000, citing conflict in Florida's election laws.<sup>28</sup>

The impetus for the Court ruling included the statutory conflict in the time required to conduct a full manual recount as prescribed under the conditions of Florida §102.166 (2000) when the 'error in vote tabulation which could affect the outcome of the election' standard was met, and the deadline for the submission of election returns to the Secretary of State.<sup>29</sup> Further statutory conflict was cited between Florida §102.111 (2000) which indicated the Secretary of State 'shall ignore late election returns', and Florida §102.112 (2000) which indicated the Secretary of State 'may ignore late election returns'.<sup>30</sup> Citing *Chappell v. Martinez*<sup>31</sup>, the Court commented regarding the election that 'the will of the people and not the hyper technical reliance upon statutory provision should be our guiding principle'.<sup>32</sup> George W. Bush then appealed to the United States Supreme Court, and in a unanimous per curiam<sup>33</sup> opinion, the Court vacated the ruling of the Florida Supreme Court, although citing reluctance to become involved in issues regarding state election laws.<sup>34</sup> The Court noted as the state law was applicable to a federal election, the Florida legislature was not acting solely under the jurisdiction of the citizens of the state of Florida, but rather under

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<sup>27</sup> Palm Beach County Canvassing Board v. Katherine Harris (November 21, 2000).

<sup>28</sup> Palm Beach County Canvassing Board v. Katherine Harris (November 21, 2000).

<sup>29</sup> Florida Code, Title IX, Chapter 102.

<sup>30</sup> Florida Code, Title IX, Chapter 102.

<sup>31</sup> *Chappell v. Martinez*, 536 So. 2d 1007 (1988). In the 8 November 1988 General Election, Craig James received 125,467 votes and Bill Chappell, Jr. received 124,735 in the race for Florida's Fourth Congressional District. Because less than half of a percent of the votes cast separated the candidates, the votes had to be recounted pursuant to Florida section §102.141(1987). Additionally, Florida §102.111(1987) provided that 'county canvassing boards shall forward election results to the Department of State immediately after certifying those results'. The statute further stated: 'If the county returns are not received by the Department of State by 5 p.m. on the seventh day following an election, all missing counties shall be ignored, and the results shown by the returns on file shall be certified.' Five of the six counties in the Fourth Congressional District certified the results of the election and recount by 5:00 p.m., 15 November 1988, the seventh day after the election. The Flagler County Canvassing Board's original certificate, however, did not reach the Department of State until nine days after the election. However, the results were phoned into the Department of State by the deadline. The Court found the 'all missing counties' to be pedantic, turning the certification process into 'an imperative, ministerial' duty, 'involving no judgment on the part' of the state canvassing commission. As such, the petition for relief submitted by Chappell was denied.

<sup>32</sup> Palm Beach County Canvassing Board v. Katherine Harris (November 21, 2000).

<sup>33</sup> Per Curiam distinguishes an opinion of the whole court from an opinion written by any one judge. On occasion, it also could signify a written opinion by the chief justice or the presiding judge, but can also refer to a brief oral announcement of the disposition of a case by the court that is unaccompanied by a written opinion.

<sup>34</sup> *Bush v. Palm Beach County Canvassing Board et al.*, No 00-836, 52-58 (Filed November 30, 2000).

the authority expressed in the United States Constitution, Article II, Section 1, Clause 2, regarding presidential electors which states:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress. . . .<sup>35</sup>

The opinion further indicated that state legislation enacted at least six days before an election cannot be circumvented, and that the existing law shall be conclusive.<sup>36</sup> This ‘safe harbor’ for states in terms of electoral processes was originally designed to protect states from interference from congressional authority regarding election outcomes. In sum, the United States Supreme Court found that the Florida Supreme Court, in their deadline extension, was seen as changing the rules after the fact, which was deemed contrary to the United States Constitution.

On 26 November 2000, the Florida Election Canvassing Commission certified the results of the election and declared George W. Bush the winner of the state of Florida, the winner of Florida’s 25 electoral votes, and thus President elect. The results showed the margin of victory to be 537 votes in favour of Bush. A complaint contesting the certification was subsequently filed in the Florida Second Circuit Court according to Florida §102.168 (2000) by the Gore team, but was rejected.<sup>37</sup> Gore then filed an appeal to the First District Court of Appeal, particularly with reference to the inclusion of 215 net vote gains in Palm Beach County and 168 net vote gains in Miami-Dade County found in the initial recount. The First District Court of Appeal referred the matter to the Florida Supreme Court who found ‘that it is absolutely essential in this proceeding, and to any final decision, that a manual recount be conducted for all legal votes in this State’.<sup>38</sup> As such, the court ordered an immediate commencement of a statewide recount of all previously uninspected

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<sup>35</sup> Bush v. Palm Beach County Canvassing Board.

<sup>36</sup> Bush v. Palm Beach County Canvassing Board. See also Florida Code, Title IX, Chapter 102.

<sup>37</sup> Florida Code, Title IX, Chapter 102.

<sup>38</sup> Gore, Albert Jr. and Joseph Lieberman v. Katherine Harris et al. Case No. SC00-2431 (Fla. December 8, 2000).

undervotes<sup>39</sup>, and ordered an adjustment to the current election result of 383 votes in favour of Gore, reducing the Bush lead to 154 votes.<sup>40</sup> Of particular importance in the opinion of the Florida Supreme Court was the description of what constitutes a legal vote. The court held that, in accordance with Florida §101.5614(5) (2000), ‘so long as the voter’s intent may be discerned from the ballot, the vote constitutes a legal vote that should be counted’.<sup>41</sup> Significantly, the responsibility of discerning the intent of the voter rested with each independent county canvassing board. The recount had to be completed by 12 December 2000 without risking taking Florida outside the safe harbor provision of 3 U.S.C. §5, which would have disenfranchised all Florida voters.<sup>42</sup> Bush then filed an emergency stay to stop the recounts with the United States Supreme Court. In a highly controversial decision, the stay was granted in a 5-4 decision on 9 December 2000.<sup>43</sup>

In their written arguments in *Bush v. Gore*, the Bush legal team directed two questions to the United States Supreme Court to consider:<sup>44</sup>

- Whether the Florida Supreme Court had established new standards for resolving presidential elections, thereby violating Article II, §1, Clause 2 of the United States Constitution, and failing to comply with 3 U.S.C. §5.
- Whether the use of standardless and varied manual recounts conducted by county canvassing boards violates the Equal Protection and Due Process Clauses of the United States Constitution.

The Bush team claimed that the Florida court had overstepped its authority in interpreting and subsequently rewriting Florida statute. Further, they claimed the recounts were ‘arbitrary, selective and standardless’ and violated the Equal Protection Clause because ‘it

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<sup>39</sup> An undervote is a ballot that has been cast but shows no legally valid selection in a given race or referendum.

<sup>40</sup> Gore, Albert Jr. and Joseph Lieberman v. Katherine Harris.

<sup>41</sup> Gore, Albert Jr. and Joseph Lieberman v. Katherine Harris. See also Florida Code, Title IX, Chapter 101. Voting Methods and Procedures. *The 2000 Florida Statutes*. (<http://www.leg.state.fl.us/statutes>, 10 October 2009).

<sup>42</sup> 3 U. S. C. §5: Determination of Controversy as to Appointment of Electors.

<sup>43</sup> Bush, et al. v. Gore, et al., 531 U.S. 98 (2000). On Application for Stay. December 9, 2000.

<sup>44</sup> Bush, et al. v. Gore, et al., 531 U.S. 98 (2000). On writ of Certiorari to the Supreme Court of Florida. Brief for Petitioners, December 10, 2000.

gives the votes of similarly situated voters different effect based on the happenstance of the county or district in which those voters live'.<sup>45</sup>

The Gore team argued that the Florida court was justified in their order to grant a full recount based on their legislative grant of broad remedial authority whenever election results are called into question.<sup>46</sup> Regarding the equal protection claim, the Gore team argued that Florida §101.5614 (5) (2000) and the Florida Supreme Court provided a standard for reviewing the ballots, the intent of the voter standard.<sup>47</sup> In questioning that standard and the expertise and integrity of all the nations' election workers, the Bush team called into question the entire national election system.<sup>48</sup> Based on the petitioner's arguments, the Gore team posited that the only apparent remedy would be a federal imposition of nationwide uniform standards regarding the counting of ballots, which would be counterintuitive to the federal system in place.<sup>49</sup> The Gore team further argued that ending the counting of ballots due to the potential of 'unacceptable discrepancy' was not the appropriate remedy.<sup>50</sup> The preferred remedy would be the articulation of an appropriate standard according to state law.<sup>51</sup>

The Supreme Court's decision came at 10 p.m., 12 December 2000. Seven justices found a violation of the Equal Protection Clause, identifying the primary problem as the lack of specific standards in counting undervotes to ensure equal application to all votes.<sup>52</sup> The Court argued that because a ballot is an inanimate object, it can be subject to 'specific rules designed to ensure uniform treatment'.<sup>53</sup> Because there was deemed to be a lack of rules regarding the recounting of ballots, the ballots were subject to unequal evaluation. Indeed, the Court found that 'the standards for accepting or rejecting contested ballots might vary not only from county to county but indeed within a single county from one recount team to

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<sup>45</sup> Bush, et al. v. Gore, et al., On writ of Certiorari, Petitioners.

<sup>46</sup> Bush, et al. v. Gore, et al., 531 U.S. 98 (2000). On writ of Certiorari to the Supreme Court of Florida. Brief of Respondent Albert Gore, Jr., December 10, 2000.

<sup>47</sup> Bush, et al. v. Gore, et al., On writ of Certiorari, Respondent. See also Florida Code, Title IX, Chapter 101.

<sup>48</sup> Bush, et al. v. Gore, et al., On writ of Certiorari, Respondent.

<sup>49</sup> Bush, et al. v. Gore, et al., On writ of Certiorari, Respondent.

<sup>50</sup> Bush, et al. v. Gore, et al., On writ of Certiorari, Respondent.

<sup>51</sup> Bush, et al. v. Gore, et al., On writ of Certiorari, Respondent.

<sup>52</sup> Bush, et al. v. Gore, et al.

<sup>53</sup> Bush, et al. v. Gore, et al.

another’.<sup>54</sup> However, the Court stated its decision was applicable to ‘the present circumstance’ only and did not prescribe a remedy for the vast and varied election administration existent in the United States.<sup>55</sup> Indeed, the Court directed its remedy to the Florida court, stating that ‘when a court orders a statewide remedy, there must be at least some assurance that the rudimentary requirements of equal treatment and fundamental fairness are satisfied’.<sup>56</sup>

While there was relative unanimity regarding the violation of the Equal Protection Clause, there was not unanimity regarding fashioning a remedy. Reverting to 3 U.S.C. §5, which provides for safe harbor by stipulating for the completion of any election controversy ‘at least six days before the time fixed for the meeting of the electors’, by a 5-4 majority, the Court determined that there was not sufficient time for any recount to take place before this 12 December 2000 deadline, thus ensuring the win for Bush.<sup>57</sup> Indeed, 3 U.S.C. §7 notes that ‘the electors of President and Vice President of each State shall meet and give their votes on the first Monday after the second Wednesday in December next following their appointment at such place in each State as the legislature of such State shall direct’, that date being 18 December 2000 in this instance.<sup>58</sup> Four justices dissented from this seemingly hair-splitting interpretation of the United States Code, citing that ‘no state is required to conform to §5 if it can not do so’, and further indicating the final arbiter of ‘casting electoral votes is vested in the Congress’.<sup>59</sup>

### **2.3 Absentee Ballots and Overseas Absentee Ballots**

After reviewing the events of the 2000 Presidential Election controversy, it is apparent that many aspects were the subject of intense legal action during the month that followed the election. However one aspect of the election, Florida’s absentee ballots, received very little attention. While the controversy was gathering steam regarding the manual recounting of ballots in Miami-Dade, Broward, Palm Beach and Volusia counties in Florida, an article

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<sup>54</sup> Bush, et al. v. Gore, et al.

<sup>55</sup> Bush, et al. v. Gore, et al.

<sup>56</sup> Bush, et al. v. Gore, et al.

<sup>57</sup> Bush, et al. v. Gore, et al. See also 3 U. S. C. §5.

<sup>58</sup> 3 U.S.C. §7: Meeting and Vote of Electors.

<sup>59</sup> Bush, et al. v. Gore, et al., 531 U.S. 98 (2000). Souter, J., dissenting. December 12, 2000.

appeared in *The New York Times* concerning Florida's absentee ballots.<sup>60</sup> The article noted that due to an error by the vendor hired by the Republican Party to prepare applications for absentee voters, an election official in Seminole County named Sandra Gourd had allowed Republican Party workers to correct errors on thousands of Republican absentee ballot applications.<sup>61</sup> By correcting those applications, the Republican Party workers ensured those ballots would not be invalid.<sup>62</sup> James Stelling, Vice Chairman of the Florida Republican Party and Chairman of the Seminole County Republican Party, confirmed this indicating that Republican officials had been allowed to spend as many as ten days in the Seminole election officials offices adding omitted voter identification information to the ballots in order to ensure they met state laws regarding absentee ballots.<sup>63</sup> A local Democratic lawyer, Harry Jacobs, formally protested, but his complaint was rejected by the Seminole County Election Board and the vote in the county was certified.

Subsequent to the certification, Harry Jacobs filed suit in Seminole County requesting that the ballots in question be thrown out, or, by virtue of the inability to identify the altered ballots, that all 15,000 absentee ballots in Seminole County be thrown out.<sup>64</sup> The hearing was held the week of 27 November 2000, and in her deposition, Ms. Gourd confirmed she had allowed Republican officials to fill in voter information on Republican absentee ballots, correcting 4,700 absentee ballots to ensure they did not get thrown out.<sup>65</sup> Gourd further acknowledged that Florida law prohibited third parties from filling in voter information, and further conceded that 'no one ever was allowed to correct applications in the past, and that [her staff] assisted the GOP representatives by sorting Republican applications from Democratic applications – something no one else had ever done before'.<sup>66</sup> It was also determined that some Democratic ballot applications had arrived without the required information, and were subsequently disqualified without the

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<sup>60</sup> Moss, Michael with Ford Fessenden. 2000. G.O.P. Played Role in Absentee Vote. *The New York Times*, November 14 2000. (<http://www.nytimes.com>, 12 May 2009).

<sup>61</sup> Moss, G.O.P. Played Role in Absentee Vote.

<sup>62</sup> Moss, G.O.P. Played Role in Absentee Vote.

<sup>63</sup> Jacob, Harry N. et al. v. The Seminole County Canvassing Board, et al., Case No. SC00-2447 (Fla. Dec. 12, 2000).

<sup>64</sup> Jacob, Harry N. et al. v. The Seminole County Canvassing Board, et al.

<sup>65</sup> Jacob, Harry N. et al. v. The Seminole County Canvassing Board, et al., in Bench Trial Volume Two.

<sup>66</sup> Jacob, Harry N. et al. v. The Seminole County Canvassing Board, et al., see also Gillman, *The Votes That Counted: How the Court Decided the 2000 Presidential Election*, p. 79.

Democrats being given the same opportunity to provide the missing information.<sup>67</sup> In this suit, Republicans now argued that every vote should be counted, and Democrats argued for strict adherence to Florida election statute law as applied to absentee ballots.<sup>68</sup> This was a difficult volte face for the Gore team as it meant supporting the disqualification of many absentee ballots in support of strict legal adherence to statute law. Ultimately Ms. Gourd was strongly criticized by the court who found her conduct ‘troubling’ to the extent that she ‘exercised faulty judgment’ in the handling of absentee ballots, however relief was not granted to the petitioner.<sup>69</sup>

Overseas absentee ballots also faced extensive scrutiny. In fact, many political pundits, as well as academics, have since argued that the counting of overseas absentee ballots in the state of Florida determined the outcome of the election.<sup>70</sup> An attempt to address one facet of this issue was brought forth in *Harris v. Florida Elections Canvassing Commission* in which Florida’s practice of accepting overseas absentee ballots up to ten days after the election was challenged.<sup>71</sup> At the time of the 2000 Election, Florida Statute §101.67(2) (2000) required all overseas absentee ballots to be received by 7 p.m. the day of the election.<sup>72</sup> However, Florida statutes had not been directly revised to reflect an alternative deadline pursuant to a 1984 consent decree the state had entered into with the U.S. Government.<sup>73</sup> The particulars of this consent decree begin on 6 November 1980 when the United States brought suit against the State of Florida to enforce the Overseas Citizens Voting Rights Act (1973) and the Federal Voting Assistance Act (1955).<sup>74</sup> The complaint alleged that Florida had mailed absentee ballots to overseas citizens on a date too late to permit sufficient time for the ballots to be transmitted, received, voted, and returned by U.S. mail before the deadline, 7 p.m. on Election Day, 4 November 1980, as required by

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<sup>67</sup> Gillman, *The Votes That Counted: How the Court Decided the 2000 Presidential Election*, p. 79.

<sup>68</sup> Florida Code, Title IX, Chapter 101.

<sup>69</sup> Jacob, Harry N. et al. v. The Seminole County Canvassing Board, et al.

<sup>70</sup> See for example Imai, Kosuke and King, Gary. 2004. Did Illegal Overseas Absentee Ballots Decide the 2000 U.S. Presidential Election? *Perspectives on Politics*, 2(3), pp. 537-549, or Barstow, David and Van Natta Jr., Don. 2001. How Bush Took Florida: Mining the Overseas Absentee Vote. *The New York Times*, July 15, 2001. ([www.nytimes.com](http://www.nytimes.com). 10 June 2009).

<sup>71</sup> *Harris, Katz et al. v. Florida Elections Commission, Florida Elections Canvassing Commission et al.*, No. 00-16424, 2000 U.S. App LEXIS 31620 (11<sup>th</sup> Cir. Dec. 11, 2000).

<sup>72</sup> Florida Code, Title IX, Chapter 101.

<sup>73</sup> *United States of America v. State of Florida, George Firestone, Secretary of State of the State of Florida*, Civil Action No. TCA 80-1055. Consent Decree, April 2, 1982.

<sup>74</sup> *United States of America v. State of Florida, George Firestone*, April 2, 1982.

Florida statutes.<sup>75</sup> The United States District Court entered a temporary restraining order requiring that absentee ballots cast by overseas voters signed and dated on or before Election Day, 4 November 1980, and received on or before 14 November 1980, be counted as valid votes to the extent that they otherwise complied with the law.<sup>76</sup> This ten day extension of the deadline for receipt of voted ballots was ordered so that overseas voters whose ballots had been mailed to them late would have a reasonable opportunity to have their ballots counted. Subsequently, and for the purposes of the 1982 election only, the court ordered the state to extend the deadline for the receipt of overseas absentee ballots to ten days past election day.<sup>77</sup>

This procedure allowing for a ten day extension for the receipt of overseas absentee ballots was subsequently contained in the State of Florida's Plan of Compliance, which was ordered to be submitted according to the terms of the court's consent decree.<sup>78</sup> The 'Plan' outlined the manner in which Florida would continue to comply with Federal law. However, the Florida state legislature could not agree on a permanent change of statute reflecting these terms of the consent decree. As a result, in 1984, the court issued a show cause order directing the state to indicate why it failed to comply with the requirement of the consent decree.<sup>79</sup> The Florida state legislature objected to the interference by the Federal government, and could not pass agreed legislation, yet was forced to provide a plan that was in compliance with the consent decree. This plan became known as Florida Administrative Rule §1S-2.013 and has been applicable since 1984.<sup>80</sup> As such, with regard to *Harris v. Florida Elections Canvassing Commission*, the court ruled that the administrative rule superseded the statute as an 'expression of a federal court detailing, in an easily accessible way, the manner in which a state must remedy its statute's conflict with federal law'.<sup>81</sup> This ruling was despite the conflict between Florida Statute §101.67(2) and Florida Administrative Rule §1S-2.013, and despite the United States Supreme Court

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<sup>75</sup> United States of America v. State of Florida, George Firestone, April 2, 1982.

<sup>76</sup> United States of America v. State of Florida, George Firestone, Secretary of State of the State of Florida, Civil Action No. TCA 80-1055. Temporary Restraining Order, November 6, 1980.

<sup>77</sup> United States of America v. State of Florida, George Firestone, April 2, 1982.

<sup>78</sup> United States of America v. State of Florida, George Firestone, April 2, 1982.

<sup>79</sup> United States of America v. State of Florida, George Firestone, Secretary of State of the State of Florida, Civil Action No. TCA 80-1055. Show Cause Order, February 21, 1984.

<sup>80</sup> Florida Administrative Code Rule 1S-2.013 Absentee Ballots to Overseas Electors, October 9, 1984. Adopted in Florida Code, Title IX, Chapter 101.62 Request for Absentee Ballots and 101.141 Specifications for Primary Election Ballots. (<http://www.leg.state.fl.us/statutes>, 10 October 2009).

<sup>81</sup> Harris et al. v. Florida Elections Canvassing Commission, No. 4:00cv453 (N.D. Fla. December 9, 2000).

interpretation of Article II of the Constitution in *Bush v. Palm Beach County Canvassing Board* which only allowed state statutory law to govern election rules in presidential elections.<sup>82</sup> As a result, the deadline for receipt of overseas absentee ballots stood at midnight 17 November 2000, provided the ballot was postmarked, or signed and dated on or before election day and was otherwise proper.<sup>83</sup> *Harris v. Florida Elections Canvassing Commission* was appealed to the Eleventh Circuit Court of Appeal, but the decision was upheld.<sup>84</sup>

The controversy surrounding overseas absentee ballots did not end there, however. The overseas absentee ballot tabulation was also drawing controversy. Both parties appeared to be opportunistically taking an about face concerning the counting of overseas absentee ballots, with Republicans wanting every vote counted and Democrats wanting strict adherence to Florida statute. As a result of partisan scrutiny, in some Florida counties, half or nearly all the overseas ballots were rejected, many of them military ballots that apparently didn't have postmarks.<sup>85</sup> The precise number of overseas absentee ballots that were disqualified overall in the 2000 Presidential Election will never be known as local officials were not required to track data regarding this specific group, nor did so voluntarily.<sup>86</sup> As such, the political leanings of this group are not precisely known due to this lack of data. However, *The Los Angeles Times* alleged that Democrats were contesting ballots cast by military personnel and Republicans were challenging ballots cast by State Department officials and civilians residing abroad due to assumed partisan preferences about these groups of voters.<sup>87</sup> Republicans subsequently complained of a coordinated Democratic effort to reject overseas absentee ballots, particularly military overseas absentee ballots.<sup>88</sup> And these complaints were not without merit.

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<sup>82</sup> *Bush v. Palm Beach County Canvassing Board, et al.*

<sup>83</sup> *Bush v. Palm Beach County Canvassing Board, et al.*

<sup>84</sup> *Harris, Katz et al. v. Florida Elections Commission, Florida Elections Canvassing Commission et al.*

<sup>85</sup> Schmidt, Susan. 2000. Overseas Ballots Aid Bush. *The Washington Post*. November 18, 2000. (<http://pqasb.pqarchiver.com/washingtonpost/access/64037986.html?FMT=ABS&FMTS=ABS:FT&date=Nov+18%2C+2000&author=Susan+Schmidt&desc=Bush%27s+Lead+Swell+With+Overseas+Votes>, 10 December 2010).

<sup>86</sup> United States General Accounting Office. 2001. *Issues Affecting Military and Overseas Absentee Voters*. GAO-01-704T, Washington, D.C.: United States General Accounting Office.

<sup>87</sup> Landsberg, Mitchell and Bailey, Eric. 2000. Battling Over Absentees, Hand to Hand. *The Los Angeles Times*, 18 November 2000. ([www.latimes.com](http://www.latimes.com), 16 March 2008).

<sup>88</sup> Landsberg and Bailey, Battling Over Absentees, Hand to Hand.

It soon emerged that former Chief of Staff to Vice President Gore, Ron Klain, had directed Mark Herron, a Democratic lawyer from Tallahassee, to draft instructions detailing the legal grounds by which overseas absentee ballots could be disqualified.<sup>89</sup> The memorandum, dated 15 November 2000 and entitled 'Overseas Absentee Ballot Review and Protest', was sent to Democratic election canvassers and made clear that the Gore campaign intended to disqualify as many overseas ballots as possible, knowing that historically the overseas absentee vote in Florida, which was heavily military, had leaned Republican.<sup>90</sup> The memo highlighted the highly elaborate rule system regarding submitting and verifying an overseas absentee ballot, and encouraged the election canvassers to focus on the following:<sup>91</sup>

- A challenge to the overseas absentee ballot may only be made before the ballot is removed from the envelope.
- Each challenge to each individual overseas absentee ballot must be made in writing on the appropriate protest form.
- Determine that the voter affirmatively requested an overseas absentee ballot, and that the signature on the request for an overseas absentee ballot matches the signature of the elector on the registration books to determine that the elector who requested the overseas absentee ballot is the elector registered.
- The overseas absentee ballot envelope must be signed by the voter. This signature must be verified.
- The overseas absentee ballot must be witnessed by a notary.
- The overseas absentee ballot must be postmarked only with an APO, PPO or foreign postmark.
- Three types of overseas absentee ballots are valid in the state of Florida, and each ballot has its own restrictions which are outlined in this memo: Federal Write-In Ballot, Florida Advance Ballot, or Regular Overseas Ballot.

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<sup>89</sup> Congressional Record 146, Pt. 18 (December 6, 2000) pp. 26399-26401. (<http://digital.library.unt.edu>, 10 October 2009).

<sup>90</sup> Congressional Record 146, Pt. 18.

<sup>91</sup> Congressional Record 146, Pt. 18.

Given the complex rules regarding overseas absentee ballots and the ensuing level of scrutiny, some counties reported requiring over an hour to certify a mere 30 overseas absentee ballots.<sup>92</sup>

The Herron memo was leaked and quickly became the focus of an intense public relations media campaign, with the Republicans harnessing General Norman Schwarzkopf to publicly accuse Gore of disenfranchising hundreds of men and women who fight for their country.<sup>93</sup> While the Gore team had certainly planned to contest many of the absentee ballots, this position became untenable after Vice Presidential candidate Joe Lieberman's off message appearance on *Meet the Press*. On Sunday 18 November 2000, Lieberman indicated he 'would give the benefit of the doubt to ballots coming from military personnel generally...Al Gore and I don't want to be part of anything that would put an extra burden on the military personnel abroad who want to vote'.<sup>94</sup> This positioning led Klain to comment, 'All of a sudden he [Al Gore] was Jimmy Stewart. Gore got very struck by the notion that if he became president it was not in the national interest that he have a relationship characterized by his mistrust of the military'.<sup>95</sup> This position was underscored by Gore's lack of support for *Jacobs v. Seminole County Canvassing Board*, and soon any attempts to contest overseas absentee ballots ceased by the Gore team.

Subsequent to the final Supreme Court ruling in *Bush v. Gore*, *The New York Times* conducted a six month investigation concerning the ruling in *Harris v. Florida Elections Canvassing Commission* related to overseas absentee ballot tampering.<sup>96</sup> *The New York Times* alleged that had the ruling been different, 2411 overseas absentee ballots would have been thrown out, leaving Gore winning the election by 202 votes.<sup>97</sup> In order to substantiate their claims, reporters retrieved the envelopes of ballots from Americans living abroad that were counted as legal votes after Election Day and found that 680 of those votes were

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<sup>92</sup> Landsberg and Bailey, *Battling Over Absentees, Hand to Hand*.

<sup>93</sup> Schwarzkopf, Norman. 2000. *Statement by Retired General Norman Schwarzkopf Regarding the Denied Overseas Absentee Ballots, November 20, 2000*. (<http://thefiringline.com/forums/showthread.php?p=403626>, 10 December 2009).

<sup>94</sup> Lieberman, Joseph. Television interview on *Meet the Press*. Sunday 18 November 2000. Transcript available at: ([http://www.msnbc.msn.com/id/8987534/ns/meet\\_the\\_press-resources/](http://www.msnbc.msn.com/id/8987534/ns/meet_the_press-resources/)).

<sup>95</sup> Berke, Richard L. 2001. Lieberman Put Democrats in Retreat on Military Vote. *The New York Times*, July 15, 2001. ([www.nytimes.com](http://www.nytimes.com), 11 December 2009).

<sup>96</sup> Barstow and Van Natta Jr., *How Bush Took Florida: Mining the Overseas Absentee Vote*.

<sup>97</sup> Barstow and Van Natta Jr., *How Bush Took Florida: Mining the Overseas Absentee Vote*.

questionable.<sup>98</sup> *The New York Times* subsequently alleged that that Bush campaign exerted significant pressure on counties with heavy military presence in order to ensure every vote would be counted, but equally argued the opposite in seemingly Democratic counties to disqualify as many ballots as possible.<sup>99</sup> *The New York Times* thus argued this was a blatant violation of the Equal Protection Clause which was fundamental to the Supreme Court's decision in *Bush v. Gore*.

Inclusion of overseas absentee ballots was seen to be essential to winning the state of Florida for Bush. Conversely, exclusion of overseas absentee ballots was seen as essential for winning the state of Florida for Gore. Whether this partisan assumption was accurate is debatable due to the numbers of disqualified ballots to consult to gain an accurate picture of the overall total. Indeed, it is difficult to make this type of assumption given the historical lack of record keeping by state officials regarding overseas absentee ballots. However, the conduct by the political parties regarding the counting of overseas absentee ballots was indicative of the emotive context of the election and the posturing to ensure that overseas absentee voters, particularly military voters, were able to vote and have their vote counted. The Gore camp simply could not, or would not, contest the military overseas votes even though there clearly were anomalies that could have been contested, and potentially could have disqualified hundreds, if not thousands of overseas absentee ballots. What emerges from this controversy is that the overseas voter was the loser. He/she faced complex rules and regulations surrounding the submission of an absentee ballot, not to mention the political posturing of the parties regarding the counting of overseas absentee ballots, and the difficulty in complying with all of the election statutes.

#### **2.4 The Aftermath of Election 2000 and the Help America Vote Act 2002**

By unpacking the specific events of the 2000 Presidential Election, it is clear why some would question the legitimacy of the electoral system in the United States. At the very least, the system failed to meet several of Norris' essential election standards, most obviously the standard of efficiency.<sup>100</sup> Indeed, it took 36 days to deliver an election result. The

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<sup>98</sup> Barstow and Van Natta Jr., *How Bush Took Florida: Mining the Overseas Absentee Vote*.

<sup>99</sup> Barstow and Van Natta Jr., *How Bush Took Florida: Mining the Overseas Absentee Vote*.

<sup>100</sup> Norris, *Electoral Engineering: Voting Rules and Political Behavior*, p. 4.

transparency of the system could also be called into question as most people did not understand the minutia of the controversy. However, this discussion of the 2000 Election presents deeper concerns about the health of American democracy and the nature of contemporary federalism. When the right to vote and have that vote counted can be thwarted by partisan activity to ensure an election victory, the system must be called into question. Nowhere was this activity more apparent than in the handling of overseas absentee ballots. However, the 2000 Election provided a window for advocates of election reform to correct these problems.

In *Bush v. Hillsborough County Canvassing Board*, the United States District Court accurately foreshadowed that ‘with such focused attention comes the catalyst for legislative reform’.<sup>101</sup> Attention was directed at assessing the electoral system which produced such chaos, and defining areas requiring change. At the state level, 26 states created commissions to study their election laws and administrative capacity, and to make recommendations for change.<sup>102</sup> Other formal state and local government associations, including The National Association of Secretaries of State (NASS), the National Association of County Recorders, Election Officials and Clerks (NACRC), the National League of Cities (NLC), and the National Conference of State Legislatures (NCSL), began assessing the electoral process and issued reports advocating reforms.<sup>103</sup> There were also three independent groups examining issues surrounding election reform including the National Commission on Federal Election Reform (NCFER), the Caltech/MIT Voting Technology Project (VTP), and the Constitution Project’s Forum on Election Reform.<sup>104</sup>

NCFER was formed as the official 2000 Election investigative arm. The commission was co-chaired by former presidents Jimmy Carter and Gerald Ford. Sponsored by the University of Virginia’s Miller Center of Public Affairs and the Century Foundation, the goal of the commission was to evaluate and review issues of election reform and any

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<sup>101</sup> *Bush v. Hillsborough County Canvassing Board*, 123 F. Supp. 2d 1305 (N.D. Fla. 2000).

<sup>102</sup> Liebschutz, Sarah F. and Palazzolo, Daniel J. 2005. HAVA and the States. *Publius: The Journal of Federalism*. 35(4), p. 502.

<sup>103</sup> Alvarez, R. Michael and Hall, Thad E. 2005. Rational and Pluralistic Approaches to HAVA Implementation: The Cases of Georgia and California. *Publius: The Journal of Federalism*, 35(4), p. 561.

<sup>104</sup> Alvarez and Hall, Rational and Pluralistic Approaches to HAVA Implementation: The Cases of Georgia and California, p. 561.

subsequent policy proposals that had been generated post election 2000.<sup>105</sup> Between March and June of 2001, the Commission held four public hearings across the United States with specific subject area remits. The Commission then organised two task forces to investigate the current practices in federal elections, the effects of those current practices, and the possibilities for reform. The Commission also provided the legal background regarding constitutional and federal election law where reform was most likely. The final report of NCFER was published on 31 July 2001 and contained 13 policy recommendations designed to form the legislative framework for any potential legislation:<sup>106</sup>

1. Every state should adopt a system of statewide voter registration.
2. Every state should permit provisional voting by any voter who claims to be qualified to vote in that state.
3. Congress should enact legislation to hold presidential and congressional elections on a national holiday.
4. Congress should adopt legislation that simplifies and facilitates absentee voting by uniformed and overseas citizens.
5. Each state should allow for restoration of voting rights to otherwise eligible citizens who have been convicted of a felony once they have fully served their sentence, including any term of probation or parole.
6. The state and federal governments should take additional steps to assure the voting rights of all citizens and to enforce the principle of one person, one vote.
7. Each state should set a benchmark for voting systems performance, uniform in each local jurisdiction that conducts elections. The benchmark should be expressed as a percentage of residual votes (the combination of overvotes, spoiled votes and undervotes) in the contest at the top of the ballot and should take into account of deliberate decisions of voters not to make a choice.

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<sup>105</sup> Carter, J., Ford, G.R., Cutler, L. and Michel, R. 2001. *To Assure Pride and Confidence in the Electoral Process: Report of the National Commission on Federal Election Reform*. Washington D.C.: Brookings Institution Press, p. 3.

<sup>106</sup> Carter, Ford, Cutler, and Michel, *To Assure Pride and Confidence in the Electoral Process: Report of the National Commission on Federal Election Reform*, pp. 6-14.

8. The federal government should develop a comprehensive set of voting equipment system standards for the benefit of state and local election administration.
9. Each state should adopt uniform statewide standards for defining what will constitute a vote on each category of voting equipment certified for use in that state. Statewide recount, election certification, and contest procedures should take into account the timelines for selection of presidential electors.
10. News organizations should not project any presidential election results in any state so long as polls remain open elsewhere in the 48 contiguous states. If necessary, Congress and the states should consider legislation, within First Amendment limits, to protect the integrity of the electoral process.
11. The federal government, on a matching basis with the governments of the 50 states, should provide funds that will add another \$300-400 million to the level of annual spending on election administration in the United States. The federal share will require a federal contribution totaling \$1-2 billion spread out over two or three years to help capitalize state revolving funds that will provide long term assistance.
12. The federal responsibilities envisioned in this report should be assigned to a new agency, The Election Administration Commission.
13. Congress should enact legislation that includes federal assistance for election administration, setting forth policy objectives for the states while leaving the choice of strategies to the discretion of the states.

In fall 2002, Congress passed the Help America Vote Act (HAVA) to address many of the problems manifest in the 2000 Election, as well as those outlined in the final report of NCFER.<sup>107</sup> The purpose of HAVA was:

To establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal laws and programs, to establish minimum election

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<sup>107</sup> Help America Vote Act of 2002.

administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes.<sup>108</sup>

In constructing the bill, many issues relating to election reform unsurprisingly evoked strong partisan differences, like voter identification and federal regulation of elections. However other issues dealing with administrative practices did not. In this regard, the success of the bill was greatly enhanced by the bipartisan work of Robert Ney (R-OH), chairman of the House Committee on Administration, and ranking member Steny Hoyer (D-MD).<sup>109</sup> Additionally, the bill was greatly assisted by state and local government organisations which heavily lobbied Congress due to the possibility of federal funding to improve their election systems, but also to temper the possibility of increased federal regulation and intervention in state policy.<sup>110</sup> Not surprisingly Republicans supported state and local control regarding election administration with minimal federal intervention, while Democrats were concerned about protecting civil rights. Some Democrats even argued for national election standards enforceable by the Department of Justice.<sup>111</sup> But this argument was not compatible with the main state centred lobbying groups noted previously in this chapter who had most influence. With a Republican majority in the House of Representatives, and a Republican president, this demand fell on barren ground. Ultimately, the bill passed largely on a bipartisan basis as Congress saw the need for bipartisan action.<sup>112</sup>

The reforms contained in HAVA were intended to address issues relating to federal elections only, but as a practical matter states do not operate differently for federal, state or local elections. As such, HAVA in essence compelled the states to change their election procedures for all elections. Essentially, HAVA is a funded mandate, in that it represents a direct order from the federal government to the states, with potential civil penalties for non-

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<sup>108</sup> Help America Vote Act of 2002.

<sup>109</sup> Palazzolo, Daniel J. and McCarthy, Fiona R. 2005. State and Local Government Organisations and the Formation of the Help America Vote Act. *Publius: The Journal of Federalism*, 35(4), p. 524.

<sup>110</sup> Palazzolo and McCarthy, State and Local Government Organisations and the Formation of the Help America Vote Act, p. 524.

<sup>111</sup> Palazzolo and McCarthy, State and Local Government Organisations and the Formation of the Help America Vote Act, p. 524.

<sup>112</sup> The bill passed in the United States House of Representatives 357-48, and in the United States Senate 92-2. See United States Senate Roll Call Votes, 107<sup>th</sup> Congress, 2<sup>nd</sup> Session, Record Vote Number 238. October 16, 2002. (<http://www.senate.gov>) and Clerk of the House of Representatives, Final Vote Results for Roll Call 462. October 10, 2002. (<http://clerk.house.gov>).

compliance. However, it should be considered a modified direct order because grants are provided to the states to facilitate their compliance.<sup>113</sup> Indeed, Title I of HAVA provides for \$3.86 billion over three years in ‘payments to states for election improvements and replacement of punch card and lever voting machines’.<sup>114</sup> This is the largest grant program in HAVA and it should be noted that states are still required to comply with HAVA regardless of their acceptance of these grants.<sup>115</sup> Acceptance of the grants however introduces additional requirements for the states to establish matching funds and produce a state plan, based on HAVA stipulations, outlining how the state will use the funding to meet the statutory requirements.<sup>116</sup> Section 101 authorizes block grants allocated on the basis of voting population, while Section 102 provides incentives for states to replace punch card and lever voting machines at up to \$4000 per qualifying precinct.<sup>117</sup> This payment system is incentive based, with the federal government funding the changes rather than simply dictating change and forcing the states to foot the bill. This was deemed a much preferable way of promoting compliance with the mandates. It supported proposal 13 of the NCFER, and bolstered states rights.<sup>118</sup> However, appropriation problems plagued HAVA, making full implementation difficult.<sup>119</sup>

Title II of HAVA created the Election Assistance Commission (EAC) which consists of four commissioners and three advisory boards.<sup>120</sup> The EAC was primarily established to administer the grant program outlined in HAVA as well as to disseminate a range of election administration information. This information primarily takes the form of advisories directed at the states concerning best practice in all facets of election administration. It is important to note however the EAC has virtually no regulatory authority. This authority

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<sup>113</sup> Help America Vote Act of 2002. For a discussion regarding the increasing use of federal direct orders see Zimmerman, Joseph F. 1992. *Contemporary American Federalism: The Growth of National Power*. Leicester: Leicester University Press.

<sup>114</sup> Help America Vote Act of 2002.

<sup>115</sup> Help America Vote Act of 2002.

<sup>116</sup> Help America Vote Act of 2002.

<sup>117</sup> Help America Vote Act of 2002.

<sup>118</sup> Carter, Ford, Cutler, and Michel, *To Assure Pride and Confidence in the Electoral Process: Report of the National Commission on Federal Election Reform*, p. 13-14.

<sup>119</sup> See for example National Association of Secretaries of State. 2006. *Make Election Reform a Reality: Support Implementation and Full Funding for HAVA*. (Press Release 20 April 2006). (<http://www.nass.org>, 3 March 2009), National Association of Secretaries of State. 2009. *Make Election Reform a Reality: Support Full Funding for HAVA*. (Press Release 17 March 2009). (<http://www.nass.org>, 25 March 2009), and Coalition for Full Funding of HAVA. 2010. *Open Letter to Congress: Honor Commitment to Election Reform, Support Full Funding for HAVA*, 2 March 2010. ([www.nass.org](http://www.nass.org), 5 May 2010).

<sup>120</sup> Help America Vote Act of 2002.

rests with the Department of Justice (DOJ).<sup>121</sup> However, the importance of disseminating information can not be underscored. The EAC acts as a precursor to the development of state legislation by creating voluntary standards of best practice surrounding all areas of election administration.<sup>122</sup> In short, information presented as guidelines by the EAC frequently will become state regulation, as the EAC acts as the official federal interpreter of HAVA. The production of this information is bolstered by the ability of the EAC to financially sponsor ‘official’ research and disseminate the results of that research on a large scale.<sup>123</sup> To be certain, the information that the EAC produces is largely influenced by local and state election officials. However, the EAC’s influence is further strengthened by their authority to provide national certification of qualified voting systems to the states.<sup>124</sup> The EAC has the authority to audit state expenditure, and in fact HAVA has a provision for repayment of funds for a state’s failure to comply.<sup>125</sup> But only the Government Accountability Office (GAO) can instigate this action, but clearly informed by an EAC audit finding. Certainly the potential impact of the EAC in directing standards has not been lost on the states. While exchanges between the states and the EAC would appear mutually beneficial, at times the relationship has been acrimonious. For example, the NASS issued a statement to Congress urging it not to reauthorize funding of the EAC beyond 2006, and to defeat any legislation dictating national standards for the administration of elections.<sup>126</sup> The EAC’s effectiveness has also been called into question from the start. Commissioner appointments were delayed and funding was not appropriated.<sup>127</sup> Indeed, the EAC’s first meeting did not take place until March 2004, nearly 17 months after HAVA was passed.<sup>128</sup>

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<sup>121</sup> Help America Vote Act of 2002.

<sup>122</sup> Montjoy, Robert S. and Chapin, Douglas M. 2005. The U.S. Election Assistance Commission: What Role in the Administration of Elections? *Publius: The Journal of Federalism*, 35(4), p. 628.

<sup>123</sup> Help America Vote Act of 2002.

<sup>124</sup> Help America Vote Act of 2002.

<sup>125</sup> Help America Vote Act of 2002.

<sup>126</sup> National Association of Secretaries of State. 2005. *NASS Position on Funding and Authorization of the U.S. Election Assistance Commission*. (Press Release 6 February 2005). (<http://www.nass.org>, 3 March 2009). National Association of Secretaries of State. 2005. *New Election Reform Legislation Would Undermine Progress and Interfere With States Rights*. (Press Release 6 February 2005). (<http://www.nass.org>, 3 March 2009).

<sup>127</sup> Montjoy and Chapin, The U.S. Election Assistance Commission: What Role in the Administration of Elections? pp. 628-629.

<sup>128</sup> Montjoy and Chapin, The U.S. Election Assistance Commission: What Role in the Administration of Elections? pp. 628-629.

Title III outlines the uniform election technology and administrative requirements for the states.<sup>129</sup> It includes requirements that allow voters to correct vote selections before ballots are cast, and requires accommodation to facilitate voting for persons with disabilities.<sup>130</sup> Title III also permits provisional ballots for voters not on any official registration list, and allows a wider variety of identification options for new voters.<sup>131</sup> According to Title III, states rather than local officials are charged with maintaining a computerised statewide voter registration list.<sup>132</sup> Stipulated deadlines for the states adoption of these guidelines are also given.<sup>133</sup> The requirements contained in Title III are considered to be the minimum requirements expected by the states, however section 305 in Title III states significantly that ‘the specific choices on the methods of complying with the requirements of this title shall be left to the discretion of the states’.<sup>134</sup> Title III left the states with little option except to comply, however there was significant scope to develop their administrative requirements beyond those expressly stated. This was counterintuitive to the intent of HAVA to promote uniformity.

Title IV of HAVA outlines enforcement procedures for failure to comply with the provisions of the act and has been criticised by the legal professions in particular as being limited in scope and largely inadequate.<sup>135</sup> The United States Attorney General is authorised to initiate civil action against any state or local government that does not comply with the requirements of Title III in HAVA.<sup>136</sup> In this regard, enforcement is limited to only Title III stipulations. States are also required to establish a complaints system. However, this system has been seen as weak because the states would be investigating allegations about their own actions without the benefit of an outside arbiter. Further, it is universally accepted that states lack the finance to ensure adequate enforcement of HAVA. Indeed, it is debatable that any organisation, including the EAC, has the funding available to enforce HAVA.

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<sup>129</sup> Help America Vote Act of 2002.

<sup>130</sup> Help America Vote Act of 2002.

<sup>131</sup> Help America Vote Act of 2002.

<sup>132</sup> Help America Vote Act of 2002.

<sup>133</sup> Help America Vote Act of 2002.

<sup>134</sup> Help America Vote Act of 2002.

<sup>135</sup> See Wassom, Audra L. 2003. The Help America Vote Act of 2002 and Selected Issues in Election Law Reform. *Thurgood Marshall Law Review*, 28(2), pp. 345-386.

<sup>136</sup> Help America Vote Act of 2002.

Title VII of HAVA deals with ‘voting rights of military members and citizens overseas’.<sup>137</sup> Predominantly focused on military personnel, this section expands on existing provision for the appointment of military voting assistance officers (VAO) in each branch of the military and at each military installation. It provides guidelines to ensure the Department of Defense (DoD) postmarks overseas absentee ballots as prescribed by state election laws, and delivers ballots on time.<sup>138</sup> Title VII prescribes the creation of a single state office in each state as a point of contact for distributing information regarding voter registration and absentee ballot procedures, despite this responsibility being the remit of the FVAP.<sup>139</sup> Importantly, Title VII requires states to report to the EAC the number of absentee ballots transmitted and received within 90 days after the date of each regularly scheduled general election for federal office.<sup>140</sup> Finally, Title VII requires states to provide overseas voters who receive rejected registration applications a reason for that rejection.<sup>141</sup>

## 2.5 The Problems with HAVA

Well before Congress passed HAVA, some states acted independently to enact election reform legislation. For example, Georgia adopted reforms prior to the passage of HAVA that proved to be extremely effective, including the use of electronic voting statewide which decreased the rate of residual votes<sup>142</sup> from 4.8 percent to .88 percent in 2002.<sup>143</sup> Others made incremental changes and some did nothing, probably in anticipation of having to respond to federal legislation.<sup>144</sup> Once HAVA was passed however, it was clear that it did not establish uniform and national standards for election procedures as was desired, as states were allowed to go beyond that which is outlined in HAVA to whatever degree they saw fit. As stated previously, Title III Section 305 of HAVA notes ‘the specific choices on the methods of complying with the requirements of this title shall be left to the discretion of the states’.<sup>145</sup> Indeed, the federal desire for a national minimum standard did not equate to

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<sup>137</sup> Help America Vote Act of 2002.

<sup>138</sup> Help America Vote Act of 2002.

<sup>139</sup> Help America Vote Act of 2002.

<sup>140</sup> Help America Vote Act of 2002.

<sup>141</sup> Help America Vote Act of 2002.

<sup>142</sup> A residual vote is a vote cast that can not be counted.

<sup>143</sup> Alvarez, R. Michael and Hall, Thad E. 2005. Rational and Pluralistic Approaches to HAVA Implementation: The Cases of Georgia and California. *Publius: The Journal of Federalism*, 35(4), p. 571.

<sup>144</sup> Palazzolo, ‘Election Reform after the 2000 Election’, p. 4.

<sup>145</sup> Help America Vote Act of 2002.

state uniformity. As Robert Montjoy argues, ‘the main goal of HAVA is to provide for uniform and non-discriminatory administration of federal elections. This goal applies *within* the states and *not across* states’.<sup>146</sup> It did not take long for differences in compliance to become blatantly apparent.

On 16 September 2004, in anticipation of the upcoming November election, Ohio Secretary of State J. Kenneth Blackwell issued a directive to all Ohio County Board of Elections detailing the procedures for handling provisional ballots.<sup>147</sup> Citing Ohio law, Blackwell instructed poll workers not to provide provisional ballots to anyone who was not a current resident of that specific precinct.<sup>148</sup> The Sandusky Ohio Democratic Party brought suit against Blackwell citing violations of HAVA, specifically Title III Section 302 outlining provisional voting and voting information requirements.<sup>149</sup> The Ohio District Court upheld the claim and issued an injunction.<sup>150</sup> However the Sixth Circuit Court of Appeal ruled that under the terms of HAVA, states only had to provide provisional ballots to voters in the correct precinct, and further were not required to count provisional ballots that were cast in the wrong precinct.<sup>151</sup> As such, the Court of Appeal determined that Secretary Blackwell was not overstepping his authority in requiring voters to affirm that they were voting in the correct precinct before allowing them to cast a provisional ballot.<sup>152</sup> The court offered a narrow interpretation of HAVA instructions to allow provisional ballots for eligible voters to mean ‘eligible in this specific election in this specific polling place’, as any other interpretation could potentially lead to multiple votes cast and counted by one individual in multiple polling places.<sup>153</sup>

Title III Section 302 of HAVA requires an individual only to *declare* that they are ‘a registered voter in the jurisdiction in which the individual desires to vote’ even though they

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<sup>146</sup> Montjoy, Robert S. 2005. ‘HAVA and the States’, in Palazzolo Daniel J. and Ceaser James W. (eds.), *Election Reform: Politics and Policy*. Lanham: Lexington Books, p. 17.

<sup>147</sup> Sandusky County Democratic Party v. Blackwell, 387 F. 3db 565 (6<sup>th</sup> Cir 2004) (per Curiam): Sixth Circuit Employs Clear Statement Rule in Holding that the Help Americans Vote Act Does Not require States to Count Provisional Ballots Cast Outside Voters’ Home Precincts. *Harvard Law Review*, 118(1), pp. 2461-2468.

<sup>148</sup> Sandusky County Democratic Party v. Blackwell.

<sup>149</sup> Sandusky County Democratic Party v. Blackwell.

<sup>150</sup> Sandusky County Democratic Party v. Blackwell.

<sup>151</sup> Sandusky County Democratic Party v. Blackwell.

<sup>152</sup> Sandusky County Democratic Party v. Blackwell.

<sup>153</sup> Sandusky County Democratic Party v. Blackwell.

may not be on any voter registration list. The Sixth Circuit Court of Appeals ruling essentially authorised states to seek evidence of residency and identity in order to affirm individuals were voting in the correct precinct before issuing a provisional ballot.<sup>154</sup> This was seen as restrictive by the Sandusky Ohio Democratic Party and not necessarily in keeping with the intent of HAVA to limit disenfranchisement. In a related area that was also highly problematic, Title III Section 303 of HAVA addresses anti fraud provisions and deals with issues of identity verification and requirements for voter registration.<sup>155</sup> Even though HAVA passed with an overwhelming majority, the identification debate manifested itself along deep partisan lines with Democrats arguing that identity requirements were discriminatory, and Republicans seeing the identity provisions as an antidote to the leniencies in the National Voter Registration Act of 1993, also known as the ‘Motor Voter’ Act.<sup>156</sup> HAVA broadly outlined what constitutes the minimal acceptable identification and, as is the case with other election policies and procedures, states have chosen to interpret the law in very different ways.<sup>157</sup> While this is problematic for potential voters living in the United States, it is particularly problematic for overseas voters who are subject to the specific identification requirements of their last state of residency and are unable to present the required identification due to distance.

Certainly state implementation of HAVA was diverse, but state implementation also occurred at different rates. Daniel Palazzolo provides a useful typology reflecting the variety of rates of state election reform occurring both before and after HAVA as illustrated in Table 2.1.<sup>158</sup> Many states sought reform prior to HAVA, however according to Title IX Section 102, HAVA allowed states to apply for deadline waivers if they felt they could not comply with established HAVA deadlines.<sup>159</sup> And indeed, many states chose that option.<sup>160</sup>

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<sup>154</sup> Sandusky County Democratic Party v. Blackwell.

<sup>155</sup> Help America Vote Act of 2002.

<sup>156</sup> Ruda, Gabriel B. 2003. Picture Perfect: A Critical Analysis of the Debate on the 2002 Help America Vote Act. *The Fordham Urban Law Journal*, 31(1), p. 236.

<sup>157</sup> While 23 states and the District of Columbia have implemented the minimum HAVA ID requirements, what constitutes as acceptable ID varies from state to state. For example California lists 32 acceptable forms of ID, whereas the District of Columbia simply indicates ‘a valid photo ID’. The remaining states have implemented more restrictive alternatives. For a complete listing of voter ID laws by state, see The Pew Center on the States. 2009. *Voter Identification Requirements by State*. (<http://www.pewcenteronthestates.org/uploadedfiles/voterid.laws.6.08.pdf>, 5 May 2009).

<sup>158</sup> Palazzolo, ‘Election Reform after the 2000 Election’, p. 4.

<sup>159</sup> Help America Vote Act of 2002.

<sup>160</sup> According to an EAC press release dated 14 June 2004, 24 states and the District of Columbia received funding according to the terms of HAVA. This means that 26 states did not receive funding from HAVA as a

Some states enacted reforms immediately, and others much later. New York for example did not adopt legislation consistent with HAVA until the end of its 2005 legislative session in time for the 2006 federal election deadline.<sup>161</sup> California was plagued by partisan posturing and misappropriation of HAVA funds which led to the resignation of the then Democratic Secretary of State Kevin Shelley.<sup>162</sup>

**Table 2.1 Typology of Election Reform by State, 2001-2003**

Leading Major Reform States		
Florida	Georgia	Maryland
Incremental Change States		
Alaska	Mississippi	Rhode Island
Arkansas	Missouri	South Carolina
California	Montana	South Dakota
Colorado	Nebraska	Tennessee
Idaho	Nevada	Texas
Indiana	New Jersey	Utah
Iowa	New Mexico	Vermont
Kansas	North Carolina	Virginia
Kentucky	North Dakota	Washington
Louisiana	Ohio	West Virginia
Maine	Oklahoma	Wisconsin
Michigan	Oregon	Wyoming
Minnesota	Pennsylvania	
Late Developing Reform States		
Alabama	Delaware	Massachusetts
Arizona	Hawaii	New Hampshire
Connecticut	Illinois	New York

Source: Palazzolo, Daniel J. 2005. 'Election Reform after the 2000 Election' in Palazzolo Daniel J. and Ceaser, James W. (eds.), *Election Reform: Politics and Policy*. Lanham: Lexington Books: p. 4.

A similar description of policy implementation and innovation related to election reform after the 2000 Election has been offered by Glen Krutz.<sup>163</sup> In his study, HAVA implementation and the concomitant diffusion among the states resembles a classic S curve reflecting initial enthusiasm by the few, followed by the actions of the many, with a handful

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result of applying for a waiver by January 1 2004. United States Election Assistance Commission. 2004. *Election Assistance Commission Releases 861 Million Dollars to 25 States*. ([www.eac.gov/ea\\_releases\\_861\\_million\\_dollars\\_in\\_payment\\_to\\_25\\_states](http://www.eac.gov/ea_releases_861_million_dollars_in_payment_to_25_states), 10 May 2009).

<sup>161</sup> Palazzolo, 'Election Reform after the 2000 Election', p. 4.

<sup>162</sup> Alvarez and Hall, Rational and Pluralistic Approaches to HAVA Implementation: The Cases of Georgia and California, p. 575.

<sup>163</sup> Krutz, Glen S. 2005. The Effect of HAVA on Late to Innovate States: External Influence on Election Reform in Arizona and Illinois. *Publius: The Journal of Federalism*, 35(4), pp. 579-596.

of hold out states that did not engage with election reform until seemingly forced to do so by the federal government.<sup>164</sup>

Despite some robust activity by the states of Florida, Georgia and Maryland, some states only passed a fraction of the election reform bills proposed during the years following the 2000 Election as shown in Table 2.2.<sup>165</sup> This reluctance to actively engage in election reform was frequently observed in the content of the state action plans required by the EAC. HAVA Section 254 of Title II requires the states to submit a plan detailing their implementation of HAVA, and these plans vary dramatically.<sup>166</sup> As Krutz outlines, the state of Illinois, which requested waivers on virtually all HAVA provisions, was clearly less than enthusiastic in their plan, presenting a short treatment with constrained rhetoric.<sup>167</sup> Arizona, on the other hand, presented a plan twice the size of Illinois and did not request any deadline waivers.<sup>168</sup> More troubling however was the potential for states to manipulate the composition of the committees responsible for preparing the state plans. This process has been described as one in which ‘state officials can easily stack the HAVA committee with their allies to achieve the outcome they desire’.<sup>169</sup> In many instances, states with strong traditions of local control over elections, like Illinois, disregarded the expertise of their local election officials in appointing members to their state planning committees, opting instead to involve state officials in the implementation process.<sup>170</sup>

**Table 2.2 Election Reform Legislation in the States, 2001-2007**

	2001	2002	2003	2004	2005	2007
<b>Introduced</b>	2,014	1,487	1,676	1,437	1,838	1,961
<b>Enacted</b>	308	171	323	144	218	243
<b>Vetoed</b>	14	7	21	7	18	16

Source: National Conference of State Legislatures. 2009. Election Reform Legislation in the States, 2001-2007. ([www.ncsl.org/programs/legismgt/elect/ESLER\\_Overview.htm](http://www.ncsl.org/programs/legismgt/elect/ESLER_Overview.htm), 9 July 2009).

<sup>164</sup> Krutz, *The Effect of HAVA on Late to Innovate States: External Influence on Election Reform in Arizona and Illinois*, p. 581.

<sup>165</sup> National Conference of State Legislatures. 2009. *Election Reform Legislation in the States, 2001–2007*. ([http://www.ncsl.org/programs/legismgt/elect/ESLER\\_Overview.htm](http://www.ncsl.org/programs/legismgt/elect/ESLER_Overview.htm), 16 July 2009).

<sup>166</sup> Help America Vote Act of 2002.

<sup>167</sup> Krutz, *The Effect of HAVA on Late to Innovate States: External Influence on Election Reform in Arizona and Illinois*, p. 593.

<sup>168</sup> Krutz, *The Effect of HAVA on Late to Innovate States: External Influence on Election Reform in Arizona and Illinois*, p. 591.

<sup>169</sup> Alvarez and Hall, *Rational and Pluralistic Approaches to HAVA Implementation: The Cases of Georgia and California*, p. 564.

<sup>170</sup> Krutz, *The Effect of HAVA on Late to Innovate States: External Influence on Election Reform in Arizona and Illinois*, p. 591.

Subsequent to HAVA passing in Congress, Democrats and voting rights activists felt that HAVA did not go far enough in a number of areas, but in particular in mandating voting systems that produced a voter verified paper record (VVPR). The benefit of a VVPR is in auditing votes cast in any election, for instance in the event of a recount as in the state of Florida. However Republicans, along with state and local election officials and voting machine manufacturers, questioned the feasibility, necessity and detailed regulations regarding the introduction of VVPR.<sup>171</sup> The fact that those congressional members most interested in mandating VVPR were those on the losing end of close elections highlights the highly partisan nature of election reform.<sup>172</sup> Indeed, Kay Stimson, the then spokeswoman for the National Association of Secretaries of State expressed the concern over the partisan nature of the debate, ‘There’s a feeling among people who oppose it that they were completely shut out of the process. They weren’t consulted when the bill was written; they...have the general feeling that they were treated with disdain...’<sup>173</sup> However, in the face of a gridlocked Congress, 29 state legislatures adopted VVPR requirements between 2003 and 2007, completely bypassing, and indeed actively lobbying against the potential for any federal mandate to introduce VVPR voting machines.<sup>174</sup>

## 2.6 Conclusion

This discussion of the 2000 Election has begun to provide a picture of the nature of absent voting legislation in the United States. Through the use of thick historical narrative, this chapter has contextualised the events of the 2000 Election and highlighted the tension between state and federal interests regarding election administration. The Constitution notes that individual states are responsible for the administration of both their own and federal elections.<sup>175</sup> Despite attempts at federal intervention, Congress has limited authority over election administration and primarily exerts authority in areas related to the protection

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<sup>171</sup> Palazzolo, Daniel, Moscardelli, Vincent G., Patrick, Meredith and Rubin, Doug. 2008. Election Reform after HAVA: Voter Verification in Congress and the States. *Publius: The Journal of Federalism*, 38(3), pp. 520-524.

<sup>172</sup> Palazzolo, Moscardelli, Patrick and Rubin, Election Reform after HAVA: Voter Verification in Congress and the States, p. 518.

<sup>173</sup> Fratas, Chris. 2007. Local Officials Take on Voting Rights Groups. *Politico*, 22 May 2007. (<http://www.politico.com/news/stories/0507/4124.html>, 17 September 2010).

<sup>174</sup> Palazzolo, Moscardelli, Patrick, and Rubin, Election Reform after HAVA: Voter Verification in Congress and the States, p. 524.

<sup>175</sup> Article 2, §1, United States Constitution.

of civil rights.<sup>176</sup> As such, the U.S. election process can be seen as an assemblage of distinct election systems for each of the 50 states. States typically have a decentralised system with elections administered at the city or county levels. This is significant because there are more than 10,000 local election jurisdictions in the U.S.<sup>177</sup> Sizes vary enormously from a rural county with about 200 voters to a large urban county, such as Los Angeles County, where the total number of registered voters for the 2000 Election was close to four million, exceeding the total number of registered voters in 41 states.<sup>178</sup> It is self evident that this varied structure facilitates a system that has the potential to be problematic.

This chapter has also highlighted the highly political nature of election administration. Frequently, efforts to ensure the franchise mask highly partisan efforts to win elections, or even to suppress votes. However this activity should not be surprising if rational choice models of political behaviour are considered. In this instance, political actors were seen to pursue their own narrow political ends, with both political parties opportunistically interpreting voting laws and procedures to ensure election victory. Even the conservative leaning court, who had traditionally shown a strong commitment to federalism and states rights, and in fact had actively engaged in protecting traditional state activities from federal intervention on numerous occasions, failed to act according to their own established precedents.<sup>179</sup> Indeed, the political actors involved in the 2000 Election controversy formulated strategies with the goal of protecting positions, maximising votes, and getting elected.<sup>180</sup> These strategies included changing traditional and expected ideological positions depending on the circumstance and desired outcome. The difficulty ensues from the ineffective institutions and structures that emerge from this type of political behaviour. In this case, the pursuit of preference maximisation on the part of the political actors involved leads to suboptimal outcomes for voters in the form of illegitimate electoral results and

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<sup>176</sup> For example Constitutional Amendment 15: Race no bar to vote. See also Amendments 19, 24 and 26.

<sup>177</sup> As an illustration of this point, Appendix B reflects the final 2000 Presidential Election vote tally for the state of Florida by county. It is instructive to note the number of counties in the state which number 67, each reflecting a different election jurisdiction, and the variety in the amount of votes cast in each county.

<sup>178</sup> United States General Accounting Office. 2001. *Comparison of Voting Age Population to Registered Voters in the 40 Largest U.S. Counties*. GAO 01-560R, Washington D.C.: United States General Accounting Office.

<sup>179</sup> Gillman, *The Votes That Counted: How the Court Decided the 2000 Presidential Election*, p. 162.

<sup>180</sup> See in particular Downs, Anthony. 1957. *An Economic Theory of Democracy*. New York: Harper Row, p.114.

ineffective legislative output that fails to solve the problems stemming from the 2000 Election.

In this case, HAVA emerged as the corrective to the 2000 Election and was intended to mandate uniform election administration standards across the states. In doing so, HAVA challenged American federalism and the traditional assumptions regarding states rights and election administration. However, HAVA has been largely unsuccessful, particularly as it relates to overseas absentee voters. To be certain, problems concerning election administration and absent voters have been recurring since the American Civil War, and the responses by successive state and federal governments to those problems have been largely unsuccessful. Chapter three will extend the discussion concerning the nature of absent voting to include the complete historical development of absent voting legislation. By synthesising the historical literature concerning absent voting, this research will present the most comprehensive historical review of overseas absent voting currently available. Much of that discussion will resonate with the events of the 2000 Election, causing the novelty of the 2000 Election to be diminished, and the structure of overseas absent voting to be better understood.

## Chapter 3: Overseas Absent Voting in the United States: History Repeating Itself

### 3.1 Introduction

The 2000 Presidential Election was a critical event in the debate concerning overseas absent voting. Chapter two examined in detail the events and disputes surrounding this election, including the issues relating to overseas absentee ballots. Three important problems concerning the overseas vote were uncovered in this examination. The first concerns the tension between federal and state election jurisdictions in administering the overseas vote. It was shown that states, under the auspices of states rights, have been reluctant to allow federal intervention designed to standardise and improve the administration of the overseas vote. Even when the Federal Government intervenes, states are frequently given extensive leeway to interpret federal legislation such that the effectiveness of that legislation is diminished. The second point concerns the highly partisan nature of the debate concerning the overseas vote. It was shown that while the rhetoric of politicians appeared to support the right to vote and have that vote counted for all overseas Americans, any efforts to ensure these rights were often a matter of partisan self interest driven by the desire to win an election. The third point emerging from chapter two concerns the legislative response to the 2000 Presidential Election. Because voting in elections is the crucial legitimating act of a democracy, when there are problems in that process, governments tend to immediately legislate out of the problem without considering the full context of the problem. As a result, the anxiety for a quick fix does not create effective policies. This was the case with the Help America Vote Act of 2002 (HAVA) which led to the Military and Overseas Voter Empowerment Act of 2009 (MOVE) which is still seen as unsatisfactory in correcting the problems faced by overseas voters.<sup>1</sup>

The debate regarding laws and procedures that create an accessible and fair election system is not new. Many groups, including overseas absent voters, have been disenfranchised by procedures designed to make voting difficult. Historically however, the absent voter has also been specifically mobilised for political gain, only to have their

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<sup>1</sup> Overseas Vote Foundation. 2011. *Overseas Vote Foundation Measures Impact of MOVE Act with 2010 Post Election UOCAVA Voter and Election Official Surveys*. (<https://www.overseasvotefoundation.org/press>, 9 June 2011).

voting rights removed once the desired political outcome was achieved. The purpose of this chapter is to extend the discussion concerning overseas absent voting to include these larger historical debates. In doing so, the thesis will show that while the 2000 Presidential Election appears to be a ‘never to be repeated’ event, it is by no means a unique event in the story of overseas voting. The chapter will firstly frame this discussion by defining absent voting. Then, it will examine the origins of the shared power between the federal and state governments concerning election administration. Then critical historical events that have contributed to the development of overseas absent voting will be discussed, with a focus on identifying similarities to the events of the 2000 Election. In conducting this analysis, this chapter contributes to the debate concerning overseas absent voting by synthesising the existing literature concerning the history of overseas absent voting and refocusing the modern discussion to include this wider discourse. This approach contextualises overseas absent voting and provides a broader understanding that fills a gap in the literature concerning overseas absent voting.

### **3.2 What is Absent Voting?**

Absent voting refers to an eligible voter casting a ballot in an election at a location other than their designated polling station. As the right to vote and the procedures to ensure that vote are primarily based on residency, this method of voting is designed to accommodate those persons who are eligible to vote, but are unable to be present at their official polling location on election day. Absent voting methods may include proxy voting, voting by mail, faxing and emailing ballots, or in some instances internet voting. Absent voting practices are applied both intra-state and outside state boundaries. In the later case, absent voting can also be referred to as external voting, meaning voting in an internal election, yet being outside the boundaries of one’s state or country. External voting is currently allowed by 115 countries and territories in the world.<sup>2</sup> According to the International Institute for Democracy and Electoral Assistance (IDEA), this trend reflects two recent phenomena: an increasingly mobile global population and the increasing numbers of military conflicts that have displaced large indigenous populations.<sup>3</sup>

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<sup>2</sup> International Institute for Democracy and Electoral Assistance. 2007. *Voting from Abroad: The International IDEA Handbook*. Stockholm: IDEA, p. 3.

<sup>3</sup> International Institute for Democracy and Electoral Assistance, *Voting from Abroad: The International IDEA Handbook*, p. 151-171.

The expansion of absent voting in the United States is inextricably linked to military conflict. Wars or other major military mobilisations have driven absent voting legislation, whether that legislation was temporary or permanent. Initially directed only at active duty military personnel, absent voting legislation now applies to all U.S. eligible voters intra-state, but also includes eligible U.S. citizens residing outside of the United States, either temporarily or permanently, who have no access to local polling stations. In each case, the particulars of the methods of absent voting are determined by state legislatures. However U.S. citizens living abroad are covered under special federal legislation ensuring their right to vote in federal elections is not diminished. This federal legislation is The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) enacted by Congress in 1986, and since this law was enacted, this set of voters has been, and continues to be, uniformly referred to as UOCAVA voters.<sup>4</sup>

### 3.3 The Elections Clause

The 2000 Presidential Election controversy highlighted the problems inherent in the decentralised federal election system. This system relies on a complex interaction between voters and local election officials that operate in over 10,000 electoral jurisdictions dispersed across the United States.<sup>5</sup> The origins of this complex system can be traced to the United States Constitution. According to the Constitution, the conduct of federal elections is a federal function with the states acting as the administrators of those elections.<sup>6</sup> The Federal Government does not ‘run’ federal elections. This responsibility has been left to the states, and with few exceptions, the Federal Government has always backed away from expanding its role in shaping federal electoral law, although it has the authority to intervene through the elections clause.

As demonstrated in the 2000 Election Supreme Court cases discussed in chapter two, section 2.2, the elections clause reflects the principle that when states administer federal elections, they do so in large part as agents of the entire nation. Alexander Hamilton noted in Federalist No. 59 that the states could not be given overarching power to

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<sup>4</sup> The Uniformed and Overseas Citizens Absentee Voting Act of 1986. UOCAVA, Pub. L. 99-410.

<sup>5</sup> United States Government Accountability Office. 2007. *Elections: Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens*. GAO 07-774. Washington, D.C.: United States Government Accountability Office, p. 7.

<sup>6</sup> The Constitution of the United States, Article 1, Section 4, Clause 1, ‘The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed by each State by the legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.’

determine all facets of federal elections. To do so would ‘leave the existence of the union entirely at their mercy’.<sup>7</sup> Conversely, Hamilton argued that to leave the Federal Government with exclusive power to regulate state elections would have been a ‘premeditated engine for the destruction of the state government’.<sup>8</sup> Given this dilemma, the framers of the Constitution offered a remedy in the form of what is known as the elections clause. This clause provides for a sharing of powers that, as Hamilton put, guarantees a mutual dependence ‘that each, as far as possible ought to depend on itself for its own preservation’.<sup>9</sup>

This mutual power sharing described in the elections clause was problematic in the ratification process of the Constitution as states saw themselves as sovereign entities based on the Articles of Confederation.<sup>10</sup> The grant of congressional authority to ‘alter at any time’ suggested overarching power that could be used to force the states to change their election regulations to suit Congress. This would negate state sovereignty and subject the states to potential tyranny.<sup>11</sup> Because this debate was so politically charged, Hamilton devoted substantial time articulating the founders’ point of view in order to persuade voters to ratify the proposed constitution.<sup>12</sup> Ultimately the rhetoric of Hamilton and his colleagues was sufficiently persuasive in expressing the broader intent of the Constitution: that the sum of the reserved state powers would be greater than the total of the expressed national powers. This sentiment was ultimately enshrined in the Tenth Amendment.<sup>13</sup>

Zimmerman correctly notes the importance of the Tenth Amendment as incorporating the idea of dual state and federal sovereignty into the Constitution, thereby eliminating a

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<sup>7</sup> Hamilton, Alexander. Federalist No. 59. ‘Concerning the Power of Congress to Regulate the Election of Members.’ *New York Packet*, February 22, 1788.

<sup>8</sup> Hamilton, ‘Concerning the Power of Congress to Regulate the Election of Members.’

<sup>9</sup> Hamilton, ‘Concerning the Power of Congress to Regulate the Election of Members.’

<sup>10</sup> ‘Each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction, and right, which is not by this confederation expressly delegated to the United States, in Congress assembled’. *The Articles of Confederation and Perpetual Union*. 1781. Article II.

<sup>11</sup> In relation to HAVA, this sentiment of rejecting the imposition of federal requirements upon the states has been upheld as recently as 2004. See *Sandusky County Democratic Party v. Blackwell*, 387 F. 3db 565 (6<sup>th</sup> Cir 2004) (per Curiam): Sixth Circuit Employs Clear Statement Rule in Holding that the Help Americans Vote Act Does Not require States to Count Provisional Ballots Cast Outside Voters’ Home Precincts. *Harvard Law Review*, 118(1), pp. 2461-2468.

<sup>12</sup> See in particular Federalist Nos. 59, 60 and 61.

<sup>13</sup> The Constitution of the United States, Amendment 10, ‘The Powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people’.

hierarchy of institutions.<sup>14</sup> However, in practice this relationship has been challenged by the practice of pre-emptive federal statutes. The Help America Vote Act of 2002 (HAVA) discussed in chapter two, section 2.4 is an example of this practice. In HAVA, the Federal Government prescribed a set of minimum standards for the conduct of elections, yet the states were free to develop their own standards provided they met the federal minimum.<sup>15</sup> States have been resistant to this type of federal legislation and as a result state sovereignty and states rights sentiment continues to dominate contemporary political debates. Chapter two, section 2.5, discussed extensively the actions by states to introduce their own legislation to correct the perceived problems stemming from the 2000 Presidential Election. States did this in large part to obstruct any federal interference in election administration.<sup>16</sup> Further, 41 state legislatures have introduced over 190 bills in other policy areas to reassert their states rights since 2008.<sup>17</sup> This type of activity has led Russell Hanson to correctly observe that states to a large degree still behave like sovereigns under the Constitution today.<sup>18</sup>

Even considering the persistence of states rights sentiment, the power of Congress to intervene in the states regarding federal election matters has been consistently upheld by the Supreme Court. In *Ex Parte Siebold*, the court found that Congress ‘may either make the regulations, or it may alter them’.<sup>19</sup> In *Smiley v. Holm*, the Court further upheld this view by indicating ‘it cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections’.<sup>20</sup> And in *Foster v. Love*, the Court unanimously maintained the authority of the elections clause of the Constitution, noting that ‘thus it is well settled that the Elections Clause grants Congress ‘the power to override state regulations’ by establishing uniform rules for federal elections, binding on the states’.<sup>21</sup> Most recently, the Court upheld the congressional ability to override state election regulations as they apply to federal elections, noting that ‘the States may regulate the incidents of such elections, including

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<sup>14</sup> Zimmerman, Joseph. 1992. *Contemporary American Federalism, The Growth of National Power*. Leicester University Press: Leicester, p. 57.

<sup>15</sup> Zimmerman, *Contemporary American Federalism, The Growth of National Power*, p. 59, see also Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat 1666 (2002).

<sup>16</sup> Palazzolo, Daniel J. 2005. ‘Election Reform after the 2000 Election’ in Palazzolo Daniel J. and Ceaser, James W. (eds.), *Election Reform Politics and Policy*. Lanham: Lexington Books, p. 4.

<sup>17</sup> Help Rescue America. 2011. *States Rights Bill List*. (<http://states-rights.org/>, 12 May 2011).

<sup>18</sup> Hanson, Russell L. 2008. ‘Intergovernmental Relations’ in Gray, Virginia and Hanson, Russell L. (eds.), *Politics in the American States, A Comparative Analysis, Ninth Edition*. CQ Press: Washington D.C., p.33.

<sup>19</sup> *Ex Parte Siebold*, 100 U.S. 371 (1879).

<sup>20</sup> *Smiley v. Holm*, 285 U.S. 355 (1932).

<sup>21</sup> *Foster, Governor of Louisiana, et al. v. Love et al.*, 90F 3d 1026 (1997).

balloting, only within the exclusive delegation of their Elections Clause power.<sup>22</sup>

Despite all the cases confirming the appropriateness of congressional authority over the states pursuant to the elections clause, Congress has yet to exercise its plenary power to completely dictate how federal elections take place.<sup>23</sup> This congressional reservation has come much to the chagrin of key stakeholders in the overseas absent voting debate.

### 3.4 The 1864 Presidential Election

The 1864 Presidential Election is the first critical event that influenced the development of overseas absent voting. This election set the precedent for all future debates concerning overseas military and civilian absent voting. As such, the discourse concerning this election is important due to the extent it resonates with the events of the 2000 Presidential Election. Indeed, it seems Lincoln was willing to go to great lengths to ensure an election victory because his re-election in 1864 was not a given. The doubt over Lincoln's re-election was compounded by poor 1862-63 midterm election results in which the Republicans lost 22 congressional seats.<sup>24</sup> After the midterms, Lincoln and the Republicans concluded that their losses were due in part to many Republican soldiers being stationed on the battlefields of the Civil War. As a result, a strategy was devised to justify the extension of voting rights to these soldiers. This was because it was thought the soldier vote would favour Lincoln.<sup>25</sup> Prior to this election, soldiers were not allowed to vote because they were away from their places of residence. However Lincoln and the Republicans surmised that the soldiers' condition of being away from their state of residence due to war and conscription should be considered temporary, as the residency of the soldier continued even though the soldier was not in their home state. After all, the soldier would return home after the war was over.

Lincoln and the Republicans began lobbying the states to adopt procedures to allow soldier voting by the time the 1864 Presidential Election arrived. Some state legislatures responded. However some states turned to the courts to challenge the constitutionality

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<sup>22</sup> Cook v. Gralike, 531 U.S. 510 (2001).

<sup>23</sup> Alvarez, R.M., Hall, T.E. and Roberts, B.F. 2007. Military Voting and the Law: Procedural and Technological Solutions to the Ballot Transit Problem. *Caltech/MIT Voting Technology Project Working Paper #53*. (<http://content.lib.utah.edu/u?/ir-main,8432>, 15 October 2008), p. 8.

<sup>24</sup> Carson, Jamie L., Jenkins, Jeffrey A., Rohde, David W. and Souva, Mark A. 2001. The Impact of National Tides and District-Level Effects on Electoral Outcomes: The U.S. Congressional Elections of 1862-63. *American Journal of Political Science*, 45(4), p. 888.

<sup>25</sup> Inbody, Donald S. 2009. *Grand Army of the Republic or Grand Army of the Republicans? Political Party and Ideological Preferences of American Enlisted Personnel*. Ph.D. San Marcos: Texas State University, p. 83.

of soldier voting, resonating clearly with the events of the 2000 Presidential Election. These cases argued that state law could not regulate extra-territorial activities such as polling places outside of state boundaries.<sup>26</sup> Some linked the soldier vote to racial issues, fearing that extending the franchise to absent soldiers would result in the extension of the vote to ‘negroes in the service’.<sup>27</sup> These arguments were squarely lodged along party lines. As a result, soldier voting bills were uniformly supported by Republicans and uniformly opposed by Democrats.<sup>28</sup> This is because what was really at stake was not ensuring the franchise for absent soldiers, but ensuring an election victory for the Republicans and Lincoln.

Many courts found in favour of extending the soldier vote. However, the opinion of Ohio State Supreme Court Justice Josiah Scott provides the most relevant and emotive argument of 1864 that resonates with the rhetoric of military and overseas voting today:<sup>29</sup>

The elector who temporarily leaves wife, children and ‘home’, for the defense of his state and nation, with the intention of returning when his services are no longer demanded, does not thereby lose his residence, or cease to have a fixed local habitation and a home; nor does he lose his legal rights which that residence may confer.<sup>30</sup>

Only about 150,000 of the more than one million active duty soldiers were able to cast absentee ballots from the fields in the 1864 Presidential Election.<sup>31</sup> Of those soldiers

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<sup>26</sup> Horner, Jennifer. 2007. The 1864 Union Soldier Vote: Historical-Critical Perspectives on Public Space and the Public Sphere. *The Annual Meeting of the International Communication Association*. San Francisco, CA, May 23, 2007. Washington, D.C.: International Communication Association, p. 7.

<sup>27</sup> Horner, The 1864 Union Soldier Vote: Historical-Critical Perspectives on Public Space and the Public Sphere p. 17.

<sup>28</sup> Benton, Josiah H. 1915. *Voting in the Field; A Forgotten Chapter of the Civil War*. Boston: Privately Printed, p. 306. See also White, J., 2004. Canvassing the Troops: The Federal Government and the Soldiers’ Right to Vote. *Civil War History*, 50(3), p. 294, and Inbody, *Grand Army of the Republic or Grand Army of the Republicans? Political Party and Ideological Preferences of American Enlisted Personnel*, p. 83.

<sup>29</sup> See in particular Schwarzkopf, Norman. 2000. *Statement by Retired General Norman Schwarzkopf Regarding the Denied Overseas Absentee Ballots, November 20, 2000*. (<http://thefiringline.com/forums/showthread.php?p=403626>, 10 December 2009) and Schumer, Charles. 2009. *Schumer Releases Survey Suggesting Ballots of One in Four Overseas Military Voters Went Uncounted in ’08 Election*. Press Release, May 13, 2009. ([http://schumer.senate.gov/new\\_website/record\\_print.cfm?id=312970](http://schumer.senate.gov/new_website/record_print.cfm?id=312970), 18 February 2010).

<sup>30</sup> Lehman v. McBride, 15 Ohio St. 573, 1863 WL 56 (Ohio). See also Horner, The 1864 Union Soldier Vote: Historical-Critical Perspectives on Public Space and the Public Sphere, p. 14.

<sup>31</sup> Inbody, *Grand Army of the Republic or Grand Army of the Republicans? Political Party and Ideological Preferences of American Enlisted Personnel*, p. 69.

that were able to cast an absentee ballot, Benton states that Lincoln was the overwhelming favorite.<sup>32</sup> However, the significance of the soldier vote in securing a win for Lincoln, as well as the total number of soldier votes cast, is still disputed.<sup>33</sup> This type of dispute regarding the counting of absentee ballots, as well as the potential significance of absentee ballots, persists today. For example, chapter two, section 2.3, discusses the counting of overseas absentee ballots in the 2000 Election, highlighting the partisan nature of the count and the malleability of the party positions in that count. Interestingly, after the 1864 Election, the soldier vote legislation was repealed by the various states as it was regarded as a temporary measure to address extraordinary national circumstances. However, a standard had been set allowing absent voting that would be difficult to reverse.

### 3.5 World Wars to the Cold War

Keyssar agrees that allowing remote soldier voting in the Civil War ‘established a precedent for loosening the link between residency requirements and participation in elections’.<sup>34</sup> While the earliest laws allowing absent voting were restricted in their application to the military, civilians did not receive absent voting rights until almost a quarter of a century after the Civil War. In this instance, voting rights were extended in a piecemeal fashion on a state by state basis. In 1896 for example, Vermont was the first to extend intra-state absent voting to civilians.<sup>35</sup> The absent voting movement was subsequently taken up by the Progressive Movement, with Kansas leading the way in 1901 with an absent voting law applicable to railroad employees only.<sup>36</sup> Virginia passed the most lenient absent voting law in 1916 which made it possible for ‘a Virginia voter to vote by mail in practically any part of the civilised world’.<sup>37</sup> A further 15 states passed intra-state only absent voting laws applicable to civilians by 1918.<sup>38</sup> This further accommodation had been largely attributed to ‘changing economic conditions of the

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<sup>32</sup> Benton, *Voting in the Field: A Forgotten Chapter of the Civil War*, p. 313 and p. 319

<sup>33</sup> See for example Waugh John C. 1997. *Reelecting Lincoln: The Battle for the 1864 Presidency*. New York: Crown Publishers, p. 354, Inbody, *Grand Army of the Republic or Grand Army of the Republicans? Political Party and Ideological Preferences of American Enlisted Personnel*, p. 83, Martin, B.A. 1945. *The Service Vote in the Elections of 1944. The American Political Science Review*, 39(4), p. 721, and Benton, *Voting in the Field: A Forgotten Chapter of the Civil War*, p. 313 and p. 319.

<sup>34</sup> Keyssar, A. 2000. *The Right to Vote: The Contested History of Democracy in the United States*. New York: Basic Books, p. 104.

<sup>35</sup> Ray, P. Orman. 1917a. Absent Voting. *The American Political Science Review*, 11(1), p. 116.

<sup>36</sup> Steinbicker, Paul G. 1938. Absent Voting in the United States. *The American Political Science Review*, 32(5), p. 898.

<sup>37</sup> Ray, Absent Voting, p. 117.

<sup>38</sup> Ray, Absent Voting, p. 116.

country' including the continued expansion of the railroads and, as Ray notes, the rise of the travelling salesman.<sup>39</sup> However, by 1938, a decade after the Progressive Era, only one additional state would allow civilians to vote from outside of the United States, that being Tennessee.<sup>40</sup>

By the time the United States entered World War I in 1918, approximately two million American soldiers were stationed overseas, although their involvement in WWI would only last eighteen months.<sup>41</sup> Nevertheless, a midterm election was held in 1918, halfway through Woodrow Wilson's second term as President. Prior to the 1918 Election, the Democrats held only a five seat majority in the Senate and Wilson's margin of victory in the 1916 Presidential Election had been slim. Indeed, had Wilson not won the state of California, he would have lost the 1916 Election.<sup>42</sup> Ironically, this slim margin of victory in the 1916 election is only surpassed by the margin of victory in the 2000 Presidential Election.<sup>43</sup> As a result of Wilson's Progressives, 18 states had enacted absent voting laws applicable to active duty military voters in time for the 1918 midterm election, with most of those state laws allowing for polling stations to be present wherever a company or regiment was located.<sup>44</sup> However, on 18 May 1918, the War Department announced that while it would not conduct or supervise the taking of the service vote as was the case during the Civil War, it would cooperate with the states to facilitate their established procedures, although those procedures had to be 'practicable'.<sup>45</sup> But despite the War Department's initial offer to facilitate the states, Adjutant General Henry Pinckney McCain later indicated that no state would be allowed to poll the soldier vote on foreign soil 'without serious interference with military efficiency'.<sup>46</sup> As such, many military personnel serving in WWI were probably disenfranchised, although the exact number is not known. As Wilson lost control of both houses of congress in that midterm, it seems likely that military votes had the

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<sup>39</sup> Ray, P. Orman. 1917b. Absent Voting. *The American Political Science Review*, 11(2), p. 320.

<sup>40</sup> Steinbicker, Absent Voting in the United States, p. 899.

<sup>41</sup> Inbody, *Grand Army of the Republic or Grand Army of the Republicans? Political Party and Ideological Preferences of American Enlisted Personnel*, p. 86.

<sup>42</sup> Leary, William M. 1967. Woodrow Wilson, Irish Americans, and the Election of 1916. *The Journal of American History*, 54(1), p. 58.

<sup>43</sup> Sheppard, Michael. 2012. *How Close were Presidential Elections?* (<http://mit.edu/~mi22295/elections.html>, 1 March 2012).

<sup>44</sup> Ray, P. Orman. 1918. Military Absent-Voting Laws. *The American Political Science Review*, 12(3), p. 465.

<sup>45</sup> Martin, B.A. 1945. The Service Vote in the Elections of 1944. *The American Political Science Review*, 39(4), p. 722.

<sup>46</sup> Martin, The Service Vote in the Elections of 1944, p. 722.

potential to influence this outcome. Indeed, 24 seats in the House of Representatives were won by fewer than 1000 votes.<sup>47</sup>

Between World War I and World War II, the United States did not have significant numbers of military personnel stationed overseas. As such, any focus on ensuring their voting rights was minimal. Further, the position of the military was generally apolitical, with General George C. Marshall, Army Chief of Staff from 1939 to 1945 questioning whether it was even ethical for a military officer to vote.<sup>48</sup> However, once the United States became actively involved in WWII, Congress itself took up the issue of soldier voting rather than deferring to the states and passed The Soldier Voting Act of 1942.<sup>49</sup> The Act was designed to guarantee military voting rights only during times of war. Military personnel were allowed to vote for president, and for congressional seats. The Act waived registration requirements and poll tax requirements if applicable, and provided for a generic federal ‘war ballot’ generated at the federal government’s expense to assist service personnel in voting. However that Act had minimal impact as it was enacted in mid September 1942, about one month before the midterm election held on 3 November 1942.<sup>50</sup> As a result, only 28,051 service votes were cast in that election out of 5,500,000 active duty service personnel.<sup>51</sup>

The potential political significance of the soldier vote in the 1944 Presidential Election became increasingly apparent as the polling organisation Gallup announced that the soldier vote favoured Roosevelt by 61 percent, and could ensure Roosevelt’s re-election.<sup>52</sup> As a result, political parties opportunistically changed sides concerning extending the soldier vote as was seen in the 1864 Presidential Election and the 2000 Presidential Election. Democrats pressed for more robust military voter legislation while this time, the Republicans sought to suppress the military vote.<sup>53</sup> This partisan activity was not lost on the soldiers themselves:

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<sup>47</sup> Alvarez, Hall and Roberts, *Military Voting and the Law: Procedural and Technological Solutions to the Ballot Transit Problem*, p. 16.

<sup>48</sup> Inbody, *Grand Army of the Republic or Grand Army of the Republicans? Political Party and Ideological Preferences of American Enlisted Personnel*, p. 72.

<sup>49</sup> The Soldier Voting Act of 1942 (Pub. L. 712-561).

<sup>50</sup> Coleman, Kevin J. 2001. *The Uniformed and Overseas Citizens Absentee Voting Act: Background and Issues*. Washington, D.C.: Congressional Research Service, p. 2.

<sup>51</sup> Martin, *The Service Vote in the Elections of 1944*, p. 726.

<sup>52</sup> Martin, *The Service Vote in the Elections of 1944*, p. 720.

<sup>53</sup> Inbody, *Grand Army of the Republic or Grand Army of the Republicans? Political Party and Ideological Preferences of American Enlisted Personnel*, p. 75.

Our friend also mentioned the soldier vote, which we all have been hearing so much about lately. If it isn't the rawest political joke and farce I've ever heard of! I just have to laugh. Sure they want us to vote. Like heck they do. Someone back there is afraid we all will vote for the wrong man.<sup>54</sup>

Amid extensive partisan controversy relating to the interference of the Federal Government in the states authority to determine suffrage qualifications, and the desire to offer a standardised war ballot, the 1942 Act was amended in 1944 without the support and signature of Roosevelt. While the 1942 Act required states to allow the military to vote, the amended 1944 Act only recommended that states should allow the military to vote.<sup>55</sup> The Act also limited the broad use of a generic federal ballot for service personnel to only those states who failed to provide a ballot themselves. Even in the instance of states failing to provide a ballot, states had to certify the federal ballot as acceptable. In the election of 1944, only 20 states approved the federal ballot.<sup>56</sup> The impact of the soldier vote in the election, or the rate of disenfranchisement, is not officially recorded. However it is likely any soldier vote effect was minimal as Roosevelt went on to secure a comfortable win. The same Act was then amended again in 1946 and significantly noted that state action regarding soldier voting would be applicable not only in times of war but in times of peace.<sup>57</sup> However, any accommodation by the states to permit or facilitate military voting would remain voluntary.

At the end of WWII, and the introduction of Truman's policy of containment and deterrence, it was clear the U.S. would position itself as a world military power. Indeed, under Truman, the United States defense budget quadrupled in response to NSC-68.<sup>58</sup> Recognising greater numbers of service personnel as a result of military escalation, in 1951, Truman asked the American Political Science Association (APSA) to study the military voting problem, as efforts to ensure military voting through the amended

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<sup>54</sup> Maschinot, C.L. 1943. *Shipswake Newsletter*. USS Salt Lake City CA25. (<http://ussslcca25.com>, 3 March 2012).

<sup>55</sup> Martin, The Service Vote in the Elections of 1944, pp. 720-732.

<sup>56</sup> Martin, The Service Vote in the Elections of 1944, p. 730.

<sup>57</sup> Coleman, Kevin J. 2001. *The Uniformed and Overseas Citizens Absentee Voting Act: Background and Issues*. Washington, D.C.: Congressional Research Service, p. 2.

<sup>58</sup> The National Security Council. 1950. NSC-68: *United States Objectives and Programs for National Security: A Report to the President Pursuant to the President's Directive of January 31, 1950*. (<http://www.fas.org/irp/offdocs/nsc-hst/nsc-68.htm>, 2 February 2010).

Soldier Voting Act of 1942 had largely been unsuccessful. APSA recognised the changing nature of global conflict and the United State's role in that arena, stating:

In the present state of world affairs, it cannot be assumed that the problem of service voting arises only in time of war. The problem is not a temporary one. It will exist as long as large forces remain under arms; and no end of that requirement is presently in sight.<sup>59</sup>

APSA completed its study in 1952 with Truman fully endorsing its recommendations. These included universal absentee registration and voting for members of the military, as well as federal employees who lived outside of the United States and members of civil service organisations that were associated with the military.<sup>60</sup> The recommendations also included universal use of a federal post card application for a ballot, and the elimination of divergent state registration and residency requirements.<sup>61</sup> However, southern states in particular disagreed with the APSA recommendations on racial grounds, and opposed the bill vehemently. Congress ultimately passed a watered down version of the Federal Voting Assistance Act of 1955, and changed many of APSA's recommendations into voluntary standards that states were not required to follow.<sup>62</sup>

### **3.6 The Vietnam Era**

In the 1960's, the issue of military voting continued to have a highly partisan tone, reflecting a war that was highly divisive. This divisiveness was reflected in the 1968 Presidential Election between Richard Nixon and Hubert Humphrey. Both political parties recognised the importance of the military vote in the 1968 election, as over 700,000 American troops were deployed on active duty in Southeast Asia alone.<sup>63</sup> But they also directed their attention to American civilians residing abroad, as the Federal Voting Assistance Act of 1955 had been amended prior to the 1968 Election by

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<sup>59</sup> American Political Science Association. 1952. Findings and Recommendations of the Special Committee on Service Voting. *The American Political Science Review*, 46(2), p. 517.

<sup>60</sup> American Political Science Association, Findings and Recommendations of the Special Committee on Service Voting, pp. 517-518.

<sup>61</sup> Alvarez, Hall and Roberts, *Military Voting and the Law: Procedural and Technological Solutions to the Ballot Transit Problem*, p. 22.

<sup>62</sup> The Federal Voting Assistance Act of 1955 (Pub. L. 296-656).

<sup>63</sup> Department of Defense. 1968. *Deployment of Military Personnel by Country as of 30 September 1968*. (<http://siadapp.dmdc.osd.mil/personnel/MILITARY/hostory/309hist.htm>, 9 June 2011).

President Johnson to include a more general provision to allow United States citizens temporarily residing outside of the U.S. voting rights.<sup>64</sup> The amendment reflected Johnson's larger aims of extending the franchise as part of his Great Society initiative. However, the timing of the amendment corresponded with Johnson's deep unpopularity as a result of the escalation of events in Vietnam, particularly the Tet offensive launched in January 1968.<sup>65</sup> The amendment was merely a recommendation however, as the states were under no obligation to facilitate the extension of voting rights to overseas citizens.<sup>66</sup>

In reaction to this amendment, Republicans and Democrats established branches overseas to court the overseas civilian voter, but also military voters. This was an important development in the overseas mobilisation practices by the parties. However, each party mobilised the overseas vote in very different ways, as is the case today.<sup>67</sup> The Republicans recruited former child star Shirley Temple to be their figurehead. Temple had been very active in the Republican Party in California, losing a congressional election in 1967.<sup>68</sup> Temple was very successful at mobilising Republicans abroad, particularly concerning fundraising. She was attributed with raising more than one million dollars overseas for the Republican Party in the 1968 campaign.<sup>69</sup> She would later be appointed by successive Republican presidents to various positions, including the UN Ambassador under Nixon, Ambassador to Ghana under Ford, Foreign Affairs Officer to the State Department under Reagan, and Ambassador to Czechoslovakia under George H.W. Bush.<sup>70</sup> This activity represents what Johnson describes as a patronage system based on celebrity, and is increasingly important when the political stakes concerning elections are perceived to be high as was the case in 1968.<sup>71</sup> The Democratic equivalent to Temple was the group 'Americans Abroad for Humphrey-Muskie'.<sup>72</sup> They did not benefit from a figurehead, and the impact of that decision may be reflected in the result of the election. Nixon won the popular vote by

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<sup>64</sup> An Act to Amend the Federal Voting Assistance Act of 1955, Pub. L. no. 90-343, 69 Stat. 584 (1968). Print.

<sup>65</sup> Karnow, Stanley. 1991. *Vietnam: A History*. New York: Viking Press, p. 556.

<sup>66</sup> An Act to Amend the Federal Voting Assistance Act of 1955

<sup>67</sup> See Chapter 4, Section 4.3 of this thesis.

<sup>68</sup> Schreibman, Jack. 1967 Shirley Temple Black, Congressional Candidate, Aligning Herself With Hawks in Vietnam Debate. *Nashua Telegraph*, October 9, 1967.

<sup>69</sup> Johnson, Ted. 2009. Is a Fundraiser Ambassador an Asset? *Politico*, June 5, 2009. (<http://www.politico.com/news/stories/0609/23362.html>, 2 March 2012).

<sup>70</sup> Johnson, Is a Fundraiser Ambassador an Asset?

<sup>71</sup> Johnson, Is a Fundraiser Ambassador an Asset?

<sup>72</sup> Alvarez, Hall and Roberts, Military Voting and the Law: Procedural and Technological Solutions to the Ballot Transit Problem, p. 25.

only 510,314 votes.<sup>73</sup> Had the Democrats utilised a celebrity figurehead overseas, the results may have been different. However, the total votes from overseas and the impact of those votes in the 1968 election is unknown.

Even considering the recent 1968 amendment to the Federal Voting Assistance Act, the voluntary nature of the 1968 amendment left overseas voters subject to a myriad of state election laws that were difficult to adhere to. Irritation over this situation was compounded by the requirement for overseas Americans to pay United States income tax based on their U.S. citizenship and not their U.S. residency, as well as to pay income tax in their country of residence. The requirement to pay federal income tax, yet not being able to vote in federal elections seemed unjust and resonated with complaints of taxation without representation. This sentiment was expressed by Senator Mathias, co-author of S.95, the draft bill of The Overseas Citizens Voting Rights Act of 1975:

The purpose of the legislation which you are considering is to correct those practices and procedures which have resulted in the fact that some 750,000 American civilians residing abroad still are barred from participating in Presidential or Congressional elections. Those civilians include thousands of businessmen, as well as church officials, teachers, lawyers, accountants, engineers and other professional people serving the interests of their country abroad and subject to U.S. tax laws and the other obligations of American citizenship.<sup>74</sup>

Various overseas groups including The Association of American Resident Overseas (AARO) and the Federation of American Women's Clubs Overseas (FAWCO) joined forces to lobby congress to pass H.R. 3211 and S.95. While FAWCO had existed since 1931, AARO was formed in 1973 as a direct response to H.R. 3211 and S.95. Their campaign of sending used teabags stapled to letters to congressmen reminding them of the events of the Boston Tea Party was very effective in drumming up support for the bills.<sup>75</sup> However, the Justice Department continued to question the feasibility of

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<sup>73</sup> The American Presidency Project. 2010. *Election of 1968*.

(<http://www.presidency.ucsb.edu/showelection.php?year=1968>., 15 August 2010).

<sup>74</sup> United States Congress. Hearing Before the Subcommittee on Elections of the Committee on House Administration, February 25, 26, March 11, 1975. *Voting Rights for U.S. Citizens Residing Abroad*. Washington, D.C.: Government Printing Office, p. 12.

<sup>75</sup> Michaux, Phyllis. 2007. The Teabag Campaign of 1975 for Passage of the Overseas Citizens Absentee Voting Rights Act. *The Association of Americans Resident Overseas*. (<http://www.aaro.org/about-aaro/the-teabag-campaign>, 5 June 2011).

allowing voting from abroad. Led by current Supreme Court Justice Antonin Scalia, who was opposed to allowing recounts in the state of Florida in the 2000 Election, the Attorney General was persuaded not to support the bill.<sup>76</sup> Senator Barry Goldwater (R), co-sponsor of the bill, approached White House legal counsel *amicus curiae* and the bill was ultimately signed by President Ford on 2 January 1976.<sup>77</sup> The Overseas Citizens Voting Rights Act of 1975 was the first formal recognition of large numbers of American citizens residing abroad and their concomitant voting right.<sup>78</sup> The Act guaranteed absentee registration and voting rights for American citizens outside of the United States, whether or not they maintained a U.S. residence and their intention to return to the United States was uncertain. It should also be pointed out, however, that 1976 was a Presidential Election year. The election was also one of the closest in history with Carter beating Ford by only a margin of two percent.<sup>79</sup> The role of overseas absentee ballots in that election is not known.

### **3.7 The Uniformed and Overseas Citizens Absentee Voting Act of 1986**

Very little activity concerning overseas voting legislation took place between 1975 and 1986. It is interesting to note that the Republicans dominated electorally during this time, with Reagan winning landslide victories in 1980 and 1984.<sup>80</sup> However, during Reagan's second term in office, The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) was passed, replacing the Overseas Citizens Voting Rights Act of 1975.<sup>81</sup> As voting from overseas was largely an acceptable practice by this time, UOCAVA was presented to the public as legislation that amended the various pieces of previous legislation in an effort to streamline processes. However, military build up accelerated sharply under Reagan's leadership, with a focus on ending the Cold War.<sup>82</sup> This increase was also driven by the Iran hostage crisis of 1979 and the Soviet Union's

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<sup>76</sup> Michaux, The Teabag Campaign of 1975 for Passage of the Overseas Citizens Absentee Voting Rights Act.

<sup>77</sup> Shurtz, David L. 1976. Eliminating State Bona Fide Residence Requirements: The Constitutional Question. *International School of Law Review*, 2, p. 146.

<sup>78</sup> Overseas Citizens Voting Rights Act of 1975 (Pub. L. 94-203).

<sup>79</sup> Leip, David. 2012. *1976 Presidential Election Results*. (<http://uselectionatlas.org/>, 3 March 2012).

<sup>80</sup> Leip, David. 2012. *1980 Presidential Election Results*. (<http://uselectionatlas.org/>, 3 March 2012).

Leip, David. 2012. *1984 Presidential Election Results*. (<http://uselectionatlas.org/>, 3 March 2012).

<sup>81</sup> The Uniformed and Overseas Citizens Absentee Voting Act of 1986.

<sup>82</sup> Total overseas military deployment: (Carter presidency) 1979 - 458,424, (Reagan's first year in office) 1981 - 501,832, (Height of Cold War struggle) 1988 - 540,588. Department of Defense. 2011. Military Personnel Historical Reports. (<http://siadapp.dmdc.osd.mil/personnel/MILITARY/history/309hist.htm>, 24 January 2012).

invasion of Afghanistan the same year.<sup>83</sup> Further, the importance of securing an election victory in the 1988 Presidential Election was surely a factor, as Republican popularity was eroding during the later years of Reagan's presidency due to the Iran Contra affair.<sup>84</sup> While George H.W. Bush won the Presidential Election in 1988, the margin of victory was significantly reduced compared to the Republican boom years of 1980 and 1984. The erosion of Republican support continued as Bush Sr. would only serve one term as President, losing decisively to Bill Clinton in 1992.

Subsequent to the Act, Reagan's Executive Order 12642 dated 8 June 1988 appointed the Secretary of Defense, or his designee, responsible for carrying out the federal functions outlined under UOCAVA.<sup>85</sup> The Department of Defense then established the Federal Voting Assistance Program (FVAP) to facilitate these processes for voters covered under UOCAVA. The structure of the FVAP remains largely intact today, although the effectiveness of the FVAP has been consistently questioned. For example, one function included under UOCAVA is the requirement to provide a statistical analysis of UOCAVA voter participation.<sup>86</sup> This analysis has largely been absent prior to the 2000 Presidential Election controversy. Since that event, FVAP analysis has been suspect in terms of its accuracy.<sup>87</sup> This is because it is in the FVAP's interest to show high levels of overseas participation to demonstrate that they are doing their job. Indeed, the FVAP has been accused of over reporting military turnout by as much as fifteen percent.<sup>88</sup> This situation highlights a significant flaw in the monitoring system of UOCAVA in that the system is not subject to outside monitoring.

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<sup>83</sup> Bartels, Larry M. 1991. Constituency Opinion and Congressional Policy Making: The Reagan Defense Build Up. *The American Political Science Review*, 85(2), p. 457.

<sup>84</sup> BBC News. 2004. Reagan's Mixed White House Legacy. (<http://news.bbc.co.uk/1/hi/world/americas/213195.stm>, 6 June 2004).

<sup>85</sup> Executive Order 12642. *Designation of the Secretary of Defense as the Presidential designee under title I of the Uniformed and Overseas Citizens Absentee Voting Act*. 53 Federal Register 21975 (8 June 1988), p. 575.

<sup>86</sup> United States Government Accountability Office. 2007. *Elections: Action Plans Needed to Fully Address Challenges in Electronic Absentee Voting Initiatives for Military and Overseas Citizens*. GAO 07-774. Washington, D.C.: United States Government Accountability Office, p. 7.

<sup>87</sup> United States Government Accountability Office. 2010. *Elections: DOD Can Strengthen Evaluation of Its Absentee Voting Assistance Program*. GAO-10-476. Washington, D.C.: United States Government Accountability Office, pp. 7-8.

<sup>88</sup> Smith, Claire. 2010. Indicators of Success: Measuring Military Voter Turnout. *OVF Research Newsletter*, 2(3).

### 3.8 HAVA, The MOVE Act and The Uniform Law Commission

Despite problems with the FVAP, no further legislative efforts directed at the overseas community occurred between 1986 and 2002. It is instructive to consider the political context between 1986 and 2002 to understand why this is the case. Clinton won both the 1992 and 1996 Presidential Elections by a comfortable margin.<sup>89</sup> However, Clinton's impeachment proceedings and sex scandal tainted Gore's candidacy in the 2000 Election as Democrats sought to distance themselves from any association with Clinton.<sup>90</sup> This situation is widely regarded as impacting the election outcome in 2000, creating an election that was unnecessarily close. However, the impact of that election on the course of Federal intervention in overseas absent voting legislation has been significant. While Congress has been reluctant to exert authority in the policy area of overseas voting, since the 2000 Election Congress has acted subtly to exert this influence through pre-emptive federal statutes. As noted previously in this chapter, pre-emptive statutes like HAVA partially remove state authority from federal election administration by mandating federal minimum standards. This type of pre-emption is seen as desirable as it produces a degree of uniformity based on the federal minimum standard combined with a degree of state diversity. As such, pre-emption produces a policy middle ground somewhere between full federal regulation and state autonomy. However, the difficulty occurs when states far exceed the prescribed minimum standards. For example, the diverse identification requirements that stemmed from HAVA as described in chapter two, section 2.5.

Zimmerman postulates that there has been a sharp increase in pre-emptive statutes promoting federal minimum standards since 1965 due to an overall centralisation of federal power, thereby sharply reducing the states discretionary authority.<sup>91</sup> The use of pre-emptive statutes was seen as important to the Johnson administration and the initiatives of the Great Society discussed earlier in this chapter. However, concerning election administration systems within the states, adoption of federal minimum standards has been presented to the states as a matter of practicality.<sup>92</sup> The states have

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<sup>89</sup> Leip, David. 2012. *1992 Presidential Election Results*. (<http://uselectionatlas.org/>, 3 March 2012),  
Leip, David. 2012. *1996 Presidential Election Results*. (<http://uselectionatlas.org/>, 3 March 2012).

<sup>90</sup> See Dover, Edwin. D. 2002. *Missed Opportunity: Gore, Incumbency and Television in Election 2000*. Greenwood: Greenwood Publishing Group.

<sup>91</sup> Zimmerman, *Contemporary American Federalism, The Growth of National Power*, p. 57.

<sup>92</sup> Montjoy, Robert S. and Chapin, Douglas M. 2005. The U.S. Election Assistance Commission: What Role in the Administration of Elections? *Publius: The Journal of Federalism*, 35(4), p. 619.

rejected that explanation and reasserted their states rights by stalling federal pre-emptive action and promoting the adoption of uniform laws at the state level. This occurred extensively after the 2000 Election as discussed in chapter two, section 2.5. These state efforts have been facilitated by The Uniform Law Commission (ULC), which has developed uniform state legislation applicable to a range of policy areas, including election administration.

The National Conference of Commissioners on Uniform State Laws (NCCUSL), also know as The Uniform Law Commission (ULC), is in fact a product of state government. Commissioners are generally appointed by state governors with financial support coming from state appropriations based on population.<sup>93</sup> Their remit is to consider state laws and ‘determine in which areas of the law uniformity is important’.<sup>94</sup> These considerations are enhanced by contributions, both intellectual and financial, from private interest groups and private individuals with interest in particular policy areas being considered by the Commission. In February 2009, the Drafting Committee for the Uniform Military Services and Overseas Civilian Absentee Voters Act (UMOVA) met in Portland, Oregon to discuss and prepare the first draft of state uniform legislation regarding overseas absentee voting.<sup>95</sup> Contributors to this meeting included key stakeholder groups like The Overseas Vote Foundation (OVF), American Citizens Abroad (ACA) and Operation BRAVO, a foundation seeking to improve overseas voting processes.<sup>96</sup> The Pew Charitable Trusts provided financial support for the project through their program ‘Make Voting Work’.<sup>97</sup>

The NCCUSL report of 18 February 2009 highlighted extensive consideration being given to determining the appropriate relationship between a uniform state act and UOCAVA. They concluded that ‘there was agreement to proceed on the working assumption that UOCAVA should be relied upon in large measure, without making the uniform act dependent upon it’.<sup>98</sup> The Council of State Governments further highlighted

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<sup>93</sup> Uniform Law Commission. 2009. *Financial Support for the ULC*. (<http://www.nccusl.org>, 29 September 2009).

<sup>94</sup> Uniform Law Commission. 2009. *About the ULC*. (<http://www.nccusl.org>, 29 September 2009).

<sup>95</sup> Huefner, Steve. 2009. Report on February 6-7 Meeting of the Drafting Committee. *National Conference of Commissioners on Uniform State Laws*. (<http://www.law.upenn.edu/bll/archives/ulc>, 6 April 2010).

<sup>96</sup> Huefner, Report on February 6-7 Meeting of the Drafting Committee.

<sup>97</sup> Huefner, Report on February 6-7 Meeting of the Drafting Committee.

<sup>98</sup> Huefner, Report on February 6-7 Meeting of the Drafting Committee.

the ability for states to act autonomously by stating that the proposed UMOVA accomplishes something that federal legislation can not:

The Act extends to state elections the assistance and protections for military and overseas voters currently found in federal law. It seeks greater harmony for the military and overseas voting process for all covered elections, over which the states will continue to have primary administrative responsibility.<sup>99</sup>

The Act was finalised in 2010 and, as of the completion of this thesis, seven states and the District of Columbia have adopted the Act and nine states have introduced the Act into their legislatures for consideration.<sup>100</sup>

While the ULC was drafting uniform state legislation regarding overseas absent voters, the same key stakeholders contributing to that effort were engaged in a totally different activity to attempt to drive further legislative change in the UOCAVA policy area. This activity introduced a completely different and adversarial dynamic into the debate concerning overseas absent voting. Influenced by the book *The Democracy Index* by Heather Gerken, key stakeholder groups have attempted to codify the efficacy of state overseas election administration in order to name and shame the various states which fail to meet particular standards that are frequently defined by the key stakeholder groups themselves.<sup>101</sup> The concept of indexing as a means to elicit desired policy outcomes has become so influential that Representative Steve Israel (D-NY) introduced H.R. 4033 known as The American Democracy Index Act of 2009 on 5 November

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<sup>99</sup> Southern Legislative Conference of the Council of State Governments. 2010. *Proposed Policy Position: Uniform Military and Overseas Voters Act (UMOVA)*. (<http://www.nccusl.org/Shared/Docs/CSG%20SLC%20Policy%20Position%20-%20Adopted%202010-08-02.pdf>, 8 June 2011).

<sup>100</sup> Adopted: Colorado, District of Columbia, North Dakota, Oklahoma, Nevada, Colorado, North Carolina and Utah. Introduced: Hawaii, Maine, Connecticut, Illinois, Tennessee, South Dakota, Pennsylvania, Virginia, and California. Available at: (<http://www.nccusl.org/Act.aspx?title=Military%20and%20Overseas%20Voters%20Act>, 3 March 2012)

<sup>101</sup> Gerken, Heather. 2009. *The Democracy Index: Why Our Election System is Failing and How to Fix It*. Princeton: Princeton University Press. See also Gerken, Heather K. 2009. In Praise of Rankings. *Faculty Scholarship Series. Paper 365*. ([http://digitalcommons.law.yale.edu/fss\\_papers/365](http://digitalcommons.law.yale.edu/fss_papers/365), 11 March 2011) in which Gerken characterises ranking as a form of professional peer pressure. For studies that use indexing, see The Pew Center on the States. 2009. *No Time to Vote: Challenges Facing America's Overseas Military Voters*. Washington, D.C.: The Pew Charitable Trusts and Smith, Claire. 2009. A UOCAVA State Policy Index. *OVF Research Newsletter*, 1(3).

2009.<sup>102</sup> The bill is designed to incorporate indexing state performance into the remit of the Election Assistance Commission, but has yet to be passed.

These indices were designed to highlight certain particular policy problems experienced by the UOCAVA voter. For example, in January 2009, The Pew Center on the States published ‘No Time to Vote: Challenges Facing America’s Overseas Military Voters’, highlighting states that do not allow sufficient time to transmit overseas absentee ballots.<sup>103</sup> The OVF constructed an index reflecting the variety of state absentee voting rules based on particular administrative areas such as voter registration and balloting procedures for a UOCAVA voter.<sup>104</sup> These indices have been highly effective in terms of influencing legislation primarily due to politicians, political parties and states not wanting to be seen to disenfranchise overseas military personnel. Overseas citizens have subsequently benefitted from the procedural focus on overseas military personnel. Several of the recommendations were incorporated into the MOVE Act, including Pew’s 45 day ballot transit time requirement, and OVF’s electronic Federal Write-in Absentee Ballots (FWAB).<sup>105</sup> However, the impact of the MOVE Act on overseas voter turnout in the 2010 midterm election is unclear, although it appears to be less than favourable.<sup>106</sup>

### 3.9 Discussion

The purpose of this chapter was to extend the discussion concerning overseas absent voting to include the larger historical debates in order to gain insight into the nature and structure of overseas absent voting processes. As Powell has noted, it is important to understand electoral designs from their inception in order to assess their overall effectiveness, yet this type of analysis is not present in the literature concerning overseas absent voting.<sup>107</sup> In order to fill this gap, the thesis has engaged with several theoretical approaches that facilitate understanding and elucidate the evolving institutional structure of the overseas absent voting system. To be certain, elections

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<sup>102</sup> ‘To require the Election Assistance Commission to establish an American Democracy Index to measure and improve the quality of voter access to polls and voter services in Federal elections’. The American Democracy Index Act of 2009, H.R. 4033 IH (111<sup>th</sup>).

<sup>103</sup> Pew Center on the States. *No Time to Vote: Challenges Facing America’s Overseas Military Voters*.

<sup>104</sup> Smith, A UOCAVA State Policy Index.

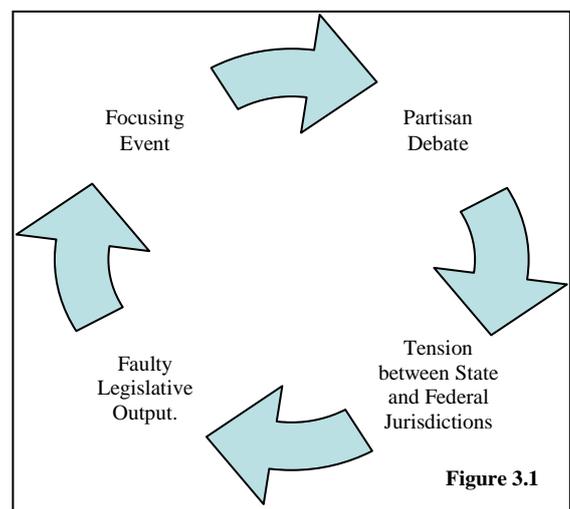
<sup>105</sup> Military and Overseas Voter Empowerment Act of 2009, Subtitle H of the National Defense Authorization Act for Fiscal Year 2010. H.R. 2647, Pub. L. 111-84, 123 Stat. 2190.

<sup>106</sup> See Chapter 4, section 4.5 of this thesis.

<sup>107</sup> Powell, G. Bingham Jr. 2000. *Elections as Instruments of Democracy*. New Haven: Yale University Press, pp. 20-22.

generally run smoothly in the United States with little attention given to the structures in place to ensure their successful running. However, the 2000 Election demonstrated that even in the most advanced democracies, the structures in place can be less than perfect and may need to be changed. Sometimes this change can be gradual and go almost unnoticed. However, in the case of absent voting, policy change has been driven by highly public episodes that draw attention to the deficits of the existing system. These events, followed by frenetic policy output, do not fit traditional models of policy analysis that are based on ‘general linear reality’.<sup>108</sup> Indeed, linear methods observe quantitative differences in policy processes at different points in time without taking into consideration the variable of time, the sequencing of events, or the historical narrative surrounding the policy process itself. In this way, a linear approach to understanding policy processes is entirely deterministic, assuming a particular policy progression unaffected by external events.<sup>109</sup> However, this chapter has shown that the reality of overseas absent voting policy processes is substantially different than linear methods allow.

As Pierson notes, historical narrative, and its concomitant sequencing like that presented in this chapter, has the capacity to identify ‘plausible, frequently observed ways in which things happen’.<sup>110</sup> Using this method, it has been shown that the three main problems in the overseas absent voting debate identified by this thesis have recurred throughout the development of overseas absent voting. These are shown in figure 3.1 which demonstrates that these problems are permanent features of the overseas absent voting debate. Further, it is clear that each problem reinforces the other, thereby creating a recurring cycle that has prevented meaningful and effective policy from emerging. The recurring nature of the overseas absent voting debate is useful



<sup>108</sup> Rayner, Jeremy. 2009. Understanding Policy Change as a Historical Problem. *Journal of Comparative Policy and Analysis: Research and Practice*, 11(1), p. 83.

<sup>109</sup> For example, the institutional analysis and development (IAD) framework is systematic and strictly quantitative in nature. For a very informative discussion of the various theories of policy processes see Sabatier, Paul. 2007. *Theories of the Policy Process, Second Edition*. Oxford: Westview Press.

<sup>110</sup> Pierson, Paul. 2000. Not Just What, but When: Timing and Sequence in Political Processes. *Studies in American Political Development*, 14(1), p. 73.

when considering the 2000 Election. This is because the events of 2000 were largely predicated on preceding legislation and partisan debate. This reinforces the assertion that the 2000 Election was not unique in the story of overseas absent voting. Indeed, the usefulness of this new interpretation lies in its ability to articulate the processes in the overseas absent voting debate beyond the events of the 2000 Presidential Election. This broadens understanding concerning overseas absent voting beyond an episodic explanation.

Overseas absent voting processes, particularly the 2000 Election, most closely resemble Baumgartner's model of punctuated equilibrium.<sup>111</sup> Baumgartner notes that punctuated equilibrium in public policy is characterised by long term and relatively incremental policy change followed by an exogenous shock that generates sharp and explosive change.<sup>112</sup> The long term equilibrium prior to a crisis is referred to as path dependent in that the trajectory of policy processes are highly contingent in origin and inertial in nature.<sup>113</sup> In this regard, a pattern emerges in the narrative relating one point to another, particularly in the early part of the historical sequence.<sup>114</sup> This pattern can be observed in the early narrative of absent voting development. The inception of soldier voting rights during the crisis of the Civil War created the initial trajectory for future military voting rights that would be difficult to reverse. This incremental inertia continued only at the state level until the first federal intervention in absent voting legislation occurred as a result of the crisis of WWII. Upon the introduction of the federal government into the absent voting policy equation, a policy monopoly was created. Baumgartner notes two essential characteristics of a policy monopoly in the module of punctuated equilibrium.<sup>115</sup> This includes a definable structure, for example the structure of the federal government, and a powerful supporting idea, such as the emotive rhetoric concerning ensuring the military vote that has persisted since WWII.<sup>116</sup>

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<sup>111</sup> Baumgartner, Frank R. and Jones, Bryan D. 2009. *Agendas and Instability in American Politics*. Chicago: The University of Chicago Press.

<sup>112</sup> Givel, Michael. 2010. The Evolution of the Theoretical Foundations of Punctuated Equilibrium Theory in Public Policy. *Review of Policy Research*, 27(2), p. 188.

<sup>113</sup> Howlett, Michael and Rayner, Jeremy. 2006. Understanding the Historical Turn in the Policy Sciences: A Critique of Stochastic, Narrative, Path Dependency and Process Sequencing Models of Policy Making over Time. *Policy Sciences*, 39(1), p. 5.

<sup>114</sup> Rayner, Jeremy. 2009 Understanding Policy Change as a Historical Problem. *Journal of Comparative Policy and Analysis: Research and Practice*. 11(1), p. 83.

<sup>115</sup> Baumgartner and Jones, *Agendas and Instability in American Politics*, p. 7.

<sup>116</sup> Baumgartner and Jones, *Agendas and Instability in American Politics*, p. 7.

Prior to the occurrence of a significant destabilising event, policy monopolies lock in issues, creating a structure induced equilibrium that is closed to outside forces.<sup>117</sup> This structure is self reinforcing in that only those with a vested interest in the policy area will be active, and outsiders will be almost universally supportive, or at the very least indifferent to the policy area.<sup>118</sup> When a destabilising event occurs, the equilibrium is forcibly opened to various other political actors who redefine the issue due to an overall attention shift. True further elaborates on the dynamic of this attention shift, noting that large scale policy changes as a result of an external shock take place at the macro political level where high level agenda access occurs.<sup>119</sup> At this level, the president, the full Congress, and occasionally the Supreme Court all consider a particular issue simultaneously, facilitated by extensive media coverage and full public knowledge.<sup>120</sup> Extensive policy output then occurs supporting the issue redefinition, and a new policy monopoly is created reflecting the redefined institutional structure and associating ideology.

This process can be seen in several points along the overseas absent voting narrative sequence in this chapter, as well in chapter 2. The crisis of the Vietnam War instigated the 1968 amendment to the Federal Voting Assistance Act which recognised the voting rights of civilians residing abroad for the first time. This introduced the non military ‘outside’ political actors into the institutional structure of overseas absent voting, including political party representation overseas, as well as celebrities such as Shirley Temple Black. The associated rhetoric concerning voting from overseas then expanded from simply military personnel to ‘all Americans serving American interests overseas’. Equilibrium was then re-established, and future policy processes would be path dependent on this change, most notably the Overseas Citizens Voting Rights Act of 1975. The 2000 Presidential Election should be considered an extraordinary destabilising event which has introduced a myriad of additional political actors and groups into the institutional structure of absent voting, including a modification in the formal institutional structure as a result of the creation of the EAC. This attention shift happened at the highest levels of agenda access, and was certainly facilitated by high levels of public knowledge and media attention. As a result, the ideology of absent

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<sup>117</sup> Breunig, Christian and Koski, Chris. 2006. Punctuated Equilibria and Budgets in the American States. *The Policy Studies Journal*, 34(3), p. 366.

<sup>118</sup> Breunig and Koski, Punctuated Equilibria and Budgets in the American States, p. 366.

<sup>119</sup> True, James L. 2000. Avalanches and Incrementalism: Making Policy and Budgets in the United States. *American Review of Public Administration*, 30(1), p. 10.

<sup>120</sup> True, Avalanches and Incrementalism: Making Policy and Budgets in the United States, p. 10.

voting became widespread which resulted in extensive public support, particularly ensuring the franchise for the military. However, the current structure is now entering a phase of self induced equilibrium characterised by limited incremental activity only by those with a high vested and very specialised interest. This activity is reflected in the recent MOVE Act which was largely based on key stakeholder group proposals. Any overseas absent voting policy change now will continue to be incremental in nature until another destabilising event occurs.

### **3.10 Conclusion**

This chapter began by summarising three main problems that emerged from the 2000 Presidential Election related to overseas absent voting. These problems included the tension between federal and state election jurisdictions in administering the overseas vote, the highly partisan nature of the debate concerning the overseas vote, and the ineffective legislative response to improve the overseas voting process. This chapter has extended the discussion concerning overseas absent voting to include the larger historical context of overseas absent voting development. Through this analysis, it has been shown that the problems in the 2000 Election concerning overseas absent voting are not unique. Indeed, the historical trajectory of absent voting, including the 2000 Election, has been characterised by highly partisan episodes reflecting closely fought elections. Frequently the parties involved in these controversies have reverted to the courts for clarity. The legislative output intended to address the problems faced by overseas voters has in all instances lacked the necessary uniformity to be effective. This is due to the recurring conflict between state and federal jurisdictions over election administration. Despite Congress having the authority to act unilaterally in this policy area, they have consistently failed to do so.

The rules and procedures that dictate the conduct of United States elections generally receive minimal attention. However, this chapter has shown that when elections do encounter procedural problems, those problems are frequently approached the same way regardless of the historical time period. In the case of the 2000 Election, the Help America to Vote Act of 2002 (HAVA) was designed to correct the problems stemming from this event. However, as Norris has noted, if the broader features of a political system remain unchanged, then tinkering with administrative procedures may produce

only minimal improvement in that system.<sup>121</sup> Chapter four will consider whether the administrative changes contained in HAVA and the subsequent Military and Overseas Voter Empowerment Act of 2009 (MOVE) have been successful in increasing overseas (UOCAVA) voter turnout. While the overseas absent voting system may function more efficiently as a result of HAVA and the MOVE Act, whether more overseas voters will participate in that system remains to be seen.

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<sup>121</sup> Norris, Pippa. 2004. *Electoral Engineering: Voting Rules and Political Behavior*. Cambridge: Cambridge University Press, pp. 171-173.

## **Chapter 4: The Effect of HAVA and the MOVE Act on Overseas Voter Participation**

### **4.1 Introduction**

This chapter will consider whether the Help America Vote Act of 2002 (HAVA) and the Military and Overseas Voter Empowerment Act of 2009 (MOVE) have been successful in increasing overseas (UOCAVA) voter turnout. This assessment will offer a position consistent with the evidence and contrary to the normative position taken within the policy area. In this regard, this assessment will be an important and original corrective to key stakeholder research. In conducting this analysis, a summation of the problems overseas voters face in the overseas voting process will be presented, followed by a review of how HAVA and the MOVE Act intended to correct these problems. A review of the literature exploring the relationship between relaxed election administration rules and voter turnout will then be presented. The challenges faced when measuring overseas turnout will then be discussed, firstly considering the construction of overseas population models, and then considering the construction of overseas voter turnout models. Utilising a range of overseas population estimates, as well as the overseas ballot data collected by the Election Assistance Commission (EAC), overseas voter turnout will then be measured. A discussion will subsequently follow considering the results of this process, including an assessment of the success of HAVA and the MOVE Act in improving overseas turnout.

Assuming that liberalised election administration policies will correct overseas voter turnout may be short sighted. Certainly the system may function more efficiently, but whether more overseas voters will participate in the system is questionable. It may be that certain factors limiting participation are unique to the UOCAVA community and beyond the corrective reach of continued legislative output. As such, it may be unreasonable for key stakeholder groups, or indeed the Federal Government, to expect robust participation, or even modestly increased participation, from the overseas population. Evidence suggests that globally, absent voters participate at a very low rate for seemingly non-structural reasons.<sup>1</sup> These non-structural explanations for low turnout in the UOCAVA community contribute to an on going discussion which suggests that

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<sup>1</sup> International Institute for Democracy and Electoral Assistance. 2007. *Voting from Abroad: The International IDEA Handbook*. Stockholm: IDEA, p. 30.

long term or permanent overseas residents may be detached, apathetic, or simply not interested in political events in their home country and as a result, will not participate.<sup>2</sup> This situation presents important normative questions regarding the extensive attention directed at this policy area and the lack of improvement in overseas voter turnout. While these issues are not being addressed in the current debate concerning UOCAVA participation, this chapter begins to address this deficit.

## 4.2 Defining the Problems Faced by Overseas Voters

Norris indicates that attempts at ‘constitutional engineering’ such as HAVA and the MOVE Act are based on the premise that the electoral structure, including rules and regulations, can shape voting behavior.<sup>3</sup> Within this structure, legislation is formulated based on a rational choice theory of voter participation. On the simplest level, the model assumes a rational decision maker who decides to vote by weighing the perceived benefits of voting against the perceived costs of voting. Voter turnout will increase if the cost of voting is reduced. Using a rational choice theory of voter participation assists greatly in understanding the dilemma faced by the UOCAVA voter. Larocca and Klemanski disaggregate the rational choice model by considering two distinct elements in terms of the cost of voting: the number of physical trips needed to vote and the number of discreet tasks required to vote.<sup>4</sup> The number of physical trips needed to vote is largely irrelevant to the overseas voter because they are absent from the normal physical environment in which elections take place. However, the number of discreet tasks required to vote is highly relevant to the UOCAVA voter. For example, voting in the continental United States is often described in terms of two discrete tasks: registering to vote and voting itself.<sup>5</sup> The Overseas Vote Foundation (OVF) reports that the voting process for the UOCAVA voter is comprised of four discreet tasks, all of which are highly regulated.<sup>6</sup> The description of these discrete tasks is as follows:<sup>7</sup>

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<sup>2</sup> International Institute for Democracy and Electoral Assistance, *Voting from Abroad: The International IDEA Handbook*, p. 33.

<sup>3</sup> Norris, Pippa. 2004. *Electoral Engineering: Voting Rules and Political Behavior*. Cambridge: Cambridge University Press, p. 153.

<sup>4</sup> Larocca, Roger and Klemanski, John S. 2011. U.S. State Election Reform and Turnout in Presidential Elections. *State Politics and Policy Quarterly*, 11(1), p. 81.

<sup>5</sup> See for example Rugeley, Cynthia and Jackson, Robert A. 2009. Getting on the Rolls: Analyzing the Effects of Lowered Barriers on Voter Registration. *State Politics and Policy Quarterly*, 9(1), p. 57, Larocca and Klemanski, U.S. State Election Reform and Turnout in Presidential Elections, p. 82, and Timpone, Richard J. 1998. Structure, Behavior, and Voter Turnout in the United States. *The American Political Science Review*, 92(1), p. 147.

<sup>6</sup> Smith, Claire. 2009. It’s in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting. *Overseas Vote Foundation*. ([www.overseasvotefoundation.org](http://www.overseasvotefoundation.org), 5 January 2010), p. 6-7.

1. A voter must register and/or request a ballot by obtaining and filling out the required paperwork and returning it from overseas to the proper local election official (LEO) in the voter's declared state of residence.
2. The required paperwork must arrive at the offices of the LEO in the voter's declared state of residence before any deadlines and the LEO must accept and process that paperwork.
3. The LEO sends a ballot overseas and once the voter receives that ballot, the voter must fill it out and return it from overseas to the offices of the LEO in the voter's declared state of residence by the appropriate deadline.
4. The LEO receives the ballot by the appropriate deadline and counts the ballot.

The most obvious problem with this set of tasks is the amount of time potentially required to complete each step, which is estimated to be anywhere from two weeks to two and one half months.<sup>8</sup> Additionally, the sheer number of steps is thought to increase the cost of voting for the UOCAVA voter. This antiquated system has been criticised by the overseas community and key stakeholder groups, including the OVF, American Citizens Abroad (ACA), and Democrats Abroad (DA) to name just a few. These organisations argue that the procedure to vote from overseas is outdated and onerous, and as a result, many overseas voters are disenfranchised.

There are four major problems related to UOCAVA participation:

1. Barriers at the registration process due to divergent state regulations.
2. Problems with the timely transmission of ballots and other election materials due to inadequate postal services.
3. The compounding effect of the dispersed geographic location of the voters.
4. The challenge of mobilising a globally dispersed population like the UOCAVA population.

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<sup>7</sup> Smith, *It's in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting*, p. 6-7.

<sup>8</sup> The Pew Center on the States. 2009. *No Time to Vote: Challenges Facing America's Overseas Military Voters*. Washington D.C.: The Pew Charitable Trusts, p. 40.

These problems were confirmed by respondents to the Americans Living Abroad (ALA) survey conducted as part of this thesis. Respondents were asked to identify problems they had experienced in the registration and voting process for the 2008 Presidential Election. Twenty-four percent of respondents reported some type of difficulty in completing the registration process, including not receiving registration material and receiving misinformation or no information about the registration process.<sup>9</sup> Twenty percent of respondents reported some type of difficulty completing the actual voting process, including not receiving ballots on time, receiving multiple ballots, or receiving no ballots at all.<sup>10</sup> The extent to which UOCAVA voters were willing to ensure their vote was received by their state LEO was also demonstrated by the extraordinary measures respondents took to ensure their ballots arrived in the United States on time, including hiring a driver to carry ballots, and paying substantial sums for international courier service. Several respondents indicated that they were refused assistance when seeking information from the U.S. Consulate or U.S. Embassy in their country of residence. Many of these findings have been confirmed by other key stakeholder groups who suggest that at least 25 percent of overseas voters are disenfranchised due to failure to comply with disparate deadlines related to registration and ballot transmission.<sup>11</sup> HAVA and the MOVE Act sought to address these procedural issues that allegedly create a barrier to participation. HAVA addressed these in a more general way, and the MOVE Act offered more specific solutions to these issues.

HAVA was intended to address structural problems inherent in the voting system that were brought to the forefront as a result of the 2000 Presidential Election. These problems stemmed from the variety of state rules and regulations concerning election administration. By attempting to establish minimum standards for compliance by the states in an effort to establish some electoral uniformity, HAVA sought to avoid a repeat of the 2000 Election debacle. As noted in chapter two, most of the detail in HAVA was directed at domestic electoral issues, including the replacement of antiquated voting machines. However the creation of the Election Assistance

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<sup>9</sup> See ALA Survey Frequencies at Appendix D, Question 30.

<sup>10</sup> See ALA Survey Frequencies at Appendix C, Question 39.

<sup>11</sup> See for example Schumer, Charles. 2009. *Schumer Releases Survey Suggesting Ballots of One in Four Overseas Military Voters Went Uncounted in '08 Election*. Press Release, 13 May 2009. ([http://schumer.senate.gov/new\\_website/record\\_print.cfm?id=312970](http://schumer.senate.gov/new_website/record_print.cfm?id=312970), 18 February 2010), The Pew Center on the States, *No Time to Vote: Challenges Facing America's Overseas Military Voters*, Smith, It's in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting, and United States Election Assistance Commission. 2009. *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*. Washington, D.C.: United States Election Assistance Commission.

Commission (EAC) was seen as significant by the UOCAVA community because, for the first time data collection on overseas voters would be mandated. This meant that states had to direct at least some attention to the situation of overseas voter. In terms of overseas election administration, HAVA required states to provide overseas voters who received rejected registration applications a reason for that rejection. This would allow the overseas voter to take some corrective action concerning their registration before an election. But beyond this specific requirement, HAVA was largely seen as irrelevant in terms of addressing the specific problems faced by overseas voters as the onus for change was again left largely to the discretion of the states.

In an attempt to address the problems faced by the UOCAVA community more effectively, the MOVE Act was passed in Congress in October 2009. This was touted as ‘the news story of 2009 as regards (to) military and overseas voting’.<sup>12</sup> MOVE attempted to address specific barriers to overseas voter participation including registration procedures and ballot transmission times. The MOVE Act removed notarisation requirements on all election material and required states to make all registration material available electronically, including Federal Write in Absentee Ballots (FWABs) in the event an official federal ballot did not arrive to the overseas voter in time to cast.<sup>13</sup> Regarding transmission of election material, the Act required states to transmit absentee ballots at least 45 days prior to an election to any overseas voter who had requested a ballot by that date.<sup>14</sup> Regarding registering and requesting ballots, the MOVE Act required all UOCAVA voters to register for each election cycle, rather than every two election cycles under The Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA).<sup>15</sup> The MOVE Act’s new rules and regulations were applicable in the 2010 General Election unless a state submitted a waiver request, and that waiver request was accepted by the FVAP.

Incentive based theories of voter participation such as a rational choice model commonly assume that reducing administrative hurdles will boost participation.<sup>16</sup> If this

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<sup>12</sup> Whitmer, Claire. 2010. *What the MOVE Act Means For You*. Overseas Vote Foundation. (<https://www.overseasvotefoundation.org/node/282>, 24 July 2011).

<sup>13</sup> National Association of Secretaries of State. 2009. *NASS Summary of the Military and Overseas Voter Empowerment Act (MOVE Act)*. Press Release, November 2009. (<http://www.nass.org>, 10 December 2009).

<sup>14</sup> Military and Overseas Voter Empowerment Act of 2009, Subtitle H of the National Defense Authorization Act for Fiscal Year 2010. H.R. 2647, Pub. L. 111-84, 123 Stat. 2190.

<sup>15</sup> Military and Overseas Voter Empowerment Act of 2009.

<sup>16</sup> Norris, *Electoral Engineering: Voting Rules and Political Behavior*, p. 172.

assumption is accepted, the cumulative effect of HAVA and the MOVE Act would be a boost in UOCAVA turnout. Indeed, many studies have correlated liberalised election rules and regulations with improved voter turnout.<sup>17</sup> Given this, it seems reasonable to expect that an increase in UOCAVA voter participation should be observed since 2004. This increase should be very apparent when comparing turnout in the 2008 General Election to the 2010 General Election because of the specificity of the MOVE Act. However, as Norris points out, if the broader features of a political system remain unchanged, then tinkering with administrative procedures may produce only minimal improvement in turnout.<sup>18</sup>

### **4.3 The Relationship between Electoral Administration and Electoral Participation, and the Impact of Mobilisation**

One administrative area that is frequently the focus of attention if voter turnout is low is voter registration systems. In this regard the United States differs from most other democracies in that in all instances, citizens themselves must take the responsibility of registering to vote, even if that citizen is residing abroad. This is thought to significantly increase the ‘cost’ of voting. Examples of alternative registration systems include the United Kingdom where the electoral registers are updated every month by local councils, and between the months of September and November every year, local councils conduct an annual canvass by mailing registration forms direct to all households within the council boundary.<sup>19</sup> Canada has a system of universal voter registration in which the federal agency Elections Canada maintains a national registry of voters’ names compiled from various federal and provincial government branches and agencies.<sup>20</sup> Norway is similar to Canada in that it has a national registry called the Folkeregisteret which, while maintained by the Norwegian tax office, is used for multiple purposes beyond simply the voting register, such as for administering the

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<sup>17</sup> Norris, *Electoral Engineering: Voting Rules and Political Behavior*, pp. 171-173. See also Wolfinger, Raymond E. and Rosenstone, Steven J. 1980. *Who Votes?* New Haven: Yale University Press, p. 86, Mitchell, Glenn E. and Wlezien, Christopher. 1995. The Impact of Legal Constraints on Voter Registration, Turnout and the Composition of the American Electorate. *Political Behavior*, 17(2), p. 191, and James, Toby. 2010. Electoral Administration and Voter Turnout: Towards an International Public Policy Continuum. *Representation*, 46(4), p. 382.

<sup>18</sup> Norris, *Electoral Engineering: Voting Rules and Political Behavior*, pp. 171-173.

<sup>19</sup> The Electoral Commission. 2008. *Registering to Vote*.

([http://www.aboutmyvote.co.uk/how\\_do\\_i\\_vote/registering\\_to\\_vote.aspx](http://www.aboutmyvote.co.uk/how_do_i_vote/registering_to_vote.aspx), 21 July 2011).

<sup>20</sup> Fair Vote Right to Vote Initiative. 2009. *Universal Voter Registration: The Canadian Model*. (<http://archive.fairvote.org/?page=2292>, 28 July 2011).

universal health care system.<sup>21</sup> It is significant to note that voter turnout in all countries noted above with alternative registration systems is consistently higher than the United States.<sup>22</sup>

For the United States, voter registration rules vary on a state by state basis causing variation in turnout rates right across the country. One attempt to correct this problem in the continental United States was The National Voter Registration Act of 1993 (NVRA), also known as the Motor Voter Act. This act was designed to reduce the barriers to registration by requiring states to allow for voter registration when eligible voters applied for or renewed their driving license or applied for any social services. While the turnout in the 1996 election following the full implementation of NVRA was the lowest since 1924 at 49 percent, NVRA was particularly popular with individuals who had changed residences less than two years prior to the election and enabled most to maintain their voting eligibility.<sup>23</sup> Several states allow for election day voter registration as well which, as the name suggests, permits eligible voters to register and vote on the same day provided valid identification is shown and they are not already on the electoral register. McDonald has associated increased voter turnout with the availability of same day voter registration, noting that turnout levels in nine states that offer same day registration are above the national average of 42.8 percent.<sup>24</sup> Despite the extensive literature suggesting a correlation between higher voter turnout and liberalised voter registration procedures, the magnitude of the effect on overall turnout is uncertain in the United States.<sup>25</sup> For example, Wolfinger and Rosenstone's seminal study on voter turnout suggests liberalising registration laws would increase voter turnout by as much as 9.1 percent.<sup>26</sup> More recently, Mitchell and Wlezien suggest that if registration procedures were further liberalised, the potential increase in voter turnout could be as much as 7.6 percent.<sup>27</sup> Regarding overseas voters, James estimates that any changes in UOCAVA administration including liberalised registration

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<sup>21</sup> Norwegian Agency for Public Management and eGovernment. 2011. *National Registry*. (<http://www.norge.no/temaside/tems.asp?stikkord=94303>, 28 July 2011).

<sup>22</sup> International Institute for Democracy and Electoral Assistance. 2009. *Voter Turnout*. (<http://www.idea.int/vt/>, 28 July 2011).

<sup>23</sup> Wolfinger, Raymond E. and Hoffman, Jonathan. 2001. Registering and Voting with Motor Voter. *PS, Political Science and Politics*, 34(1), p. 86.

<sup>24</sup> Idaho, Iowa, Maine, Minnesota, Montana, New Hampshire, North Dakota, Wisconsin and Wyoming. McDonald, Michael P. 2010. Voter Turnout in the 2010 Midterm Election. *The Forum*, 8(4), p. 3 at footnote 8.

<sup>25</sup> Hanmer, Michael J. 2007. An Alternative Approach to Estimating Who is More Likely to Respond to Changes in Registration Laws. *Political Behavior*, 29(1), p. 7.

<sup>26</sup> Wolfinger and Rosenstone, *Who Votes?* p. 78.

<sup>27</sup> Mitchell and Wlezien, *The Impact of Legal Constraints on Voter Registration, Turnout and the Composition of the American Electorate*, p. 191.

procedures would increase overseas turnout from .02 to 3 percent overall.<sup>28</sup> However, Rugeley and Jackson's analysis indicates the effect of NVRA has been minimal on voter turnout, and importantly has not changed the demographic characteristics of registered voters to any significant degree.<sup>29</sup> Larocca and Klemanski's study found that the most common enacted election reforms at the state level, including election day registration and all mail elections, do not yield a consistent significant influence on voter turnout, and further indicate that socioeconomic and demographic variables continue to exert a strong influence on voter turnout.<sup>30</sup> McDonald's study indicates that states with same day voter registration have a higher turnout level than the national average, however those states also tend to have better educated populations and more electoral competition.<sup>31</sup> These factors are also known to influence voter turnout and could confound the influence of liberalised registration procedures. It seems on the balance of the evidence, simply liberalising election procedures is not enough to consistently increase voter turnout and is unlikely to be solely responsible for any increase in turnout that may occur following any liberalisation.

It may also be the case that despite liberalised registration procedures, eligible voters are reluctant to register in case they inadvertently expose themselves to other citizenship duties. For example, Knack reports that the potential to be selected as a juror from the electoral registry reduced the probability of registering to vote by 9 percent and the probability of actually voting by almost 7.9 percent.<sup>32</sup> Anecdotally, evidence suggests that some Americans residing overseas are reluctant to register to vote due to the potential of tax liability in the United States, with some even resorting to renouncing their citizenship to avoid what is perceived to be unfair tax laws directed at the overseas community.<sup>33</sup> UOCAVA stipulates that voting in federal elections does not affect the determination of residence or domicile for the purposes of tax imposition under Federal, state or local law.<sup>34</sup> However, it is important to note that the United States is the only industrialised nation to impose a tax based on citizenship alone rather than on

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<sup>28</sup> James, Electoral Administration and Voter Turnout: Towards an International Public Policy Continuum, p. 382.

<sup>29</sup> Rugeley and Jackson, Getting on the Rolls: Analyzing the Effects of Lowered Barriers on Voter Registration, pp. 71-72.

<sup>30</sup> Larocca and Klemanski, U.S. State Election Reform and Turnout in Presidential Elections, p.95.

<sup>31</sup> McDonald, Voter Turnout in the 2010 Midterm Election, p. 3-4.

<sup>32</sup> Knack, S. 2000. cited in James, Electoral Administration and Voter Turnout: Towards and International Public Policy Continuum, p. 372.

<sup>33</sup> Knowlton, Brian. 2010. More American Expatriates Give Up Citizenship. *The New York Times*, April 25, 2010. (<http://www.nytimes.com/2010/4/26/us/26expat.html>, 28 July 2011).

<sup>34</sup> The Uniformed and Overseas Citizens Absentee Voting Act of 1986. UOCAVA. (Pub. L. 99-410).

residency.<sup>35</sup> The United States' sole practice of citizen based taxation, including the introduction of an 'exit tax' for expatriates, has led many to believe that a prejudice exists against Americans residing abroad which perpetuates a myth that overseas Americans are wealthy and not loyal to the United States.<sup>36</sup> Very low voter turnout in the overseas community could reinforce this stereotype.

Moving beyond registration systems, Oliver indicates that 'liberalized state absentee requirements do not uniformly correlate with an increased likelihood of voting absentee; rather absentee voting is partially dependent upon the involvement of political mobilizers'.<sup>37</sup> Mobilisation efforts are necessary in order to enlarge the absentee voter pool. However mobilisation efforts overseas are, by necessity, different than in the continental United States primarily due to the dispersed nature of the target group. Existing overseas mobilisation efforts have likely been facilitated by the internet. Numerous key stakeholder groups as well as the political parties are taking advantage of increased accessibility as a result of the internet. Many have increased their activity to target overseas Americans to improve voter turnout, including the Overseas Vote Foundation (OVF) which conducts most of its activities via the internet. This type of mobilisation is designed to lower the 'cost' of voting by offering assistance in registering, obtaining ballots or providing direction in manoeuvring the overall UOCAVA voting system. Certainly both political parties have engaged in extensive efforts to increase participation in the overseas community by offering membership, registering voters and providing absentee ballots as well. Both parties have also engaged in lobbying individuals for contributions. However their mobilisation methods are quite different from each other

Democrats Abroad (DA) is a centralised organisation with an international executive board and committees in 52 countries, as well as members in more than 160 countries.<sup>38</sup> The executive board acts on behalf of the entire membership and maintains a centralised roster of the entire global membership. Distinctive to the Democratic National

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<sup>35</sup> Parmly, Berengere. 2009. Revising the Taxation of Americans Abroad - Improvements? Or Illustrations of the Impractical Nature of Such Taxes? *American Citizens Abroad*. ([http://www.aca.ch/joomla/index2.php?option=com\\_content&task=view&id=212&Itemid=46](http://www.aca.ch/joomla/index2.php?option=com_content&task=view&id=212&Itemid=46), 29 July 2011). This taxation policy was upheld by the Supreme Court in *Cook v. Tait*, 265 U.S. 47 (1924).

<sup>36</sup> Bugnion, Jackie. 2011. Overseas Americans Should Have Say in National Tax Reform Debate. *Tax Notes International*, 62(11), p. 876.

<sup>37</sup> Oliver, J. Eric. 1996. The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall Turnout. *American Journal of Political Science*, 40(2), p. 506.

<sup>38</sup> Democrats Abroad. 2011. *Country Committees*. (<http://www.democratsabroad.org/countries>, 28 July 2011).

Committee (DNC) is its structure that allows for eight overseas delegates, who are elected through a global system of DA caucuses, to attend the Democratic National Convention. This ensures some representation of overseas members. Democrats Abroad activities are socially based, but always with a political motivation.<sup>39</sup> There is no joining fee for Democrats Abroad.<sup>40</sup> Conversely, the organisational structure for Republicans Abroad (RA) is comprised of autonomous chapters in 70 countries.<sup>41</sup> There is a global chairperson who is based in Washington, D.C., but each chapter is largely independent. Republicans Abroad states that its main objective is to mobilise the support of Americans overseas to support Republican candidates in U.S. elections.<sup>42</sup> There is a membership fee for RA and there are membership categories reflecting a range of membership fees, from International Member for \$50 USD to Presidential Member for \$5000 USD.<sup>43</sup> However, by joining, potential members are able to participate in exclusive events. For example, Republicans Abroad UK hosts an ‘Annual House of Commons Reception’ for its members.<sup>44</sup> Oliver suggests that it is because of similar mobilisation efforts in the continental United States, and perhaps the perks of membership, that the Republican Party tends to benefit disproportionately from absentee ballots.<sup>45</sup>

Increased mobilisation efforts have been an emerging phenomenon directed at overseas Americans since the 2000 Presidential Election. The underlying intent of these efforts has been to increase voter turnout, but the opportunities to be mobilised and participate in other ways beyond simply voting are somewhat limited by virtue of being overseas. However, one way to gauge the effectiveness of mobilisation efforts is to consider overseas financial contributions. As shown in Table 4.1, from 2000 to 2008 political contributions from Americans outside of the United States increased by 650 percent,

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<sup>39</sup> Democrats Abroad. 2011. *Democrats Abroad Celebrate President Obama’s Birthday*. (<http://www.democratsabroad.org/article/2011/07/28/democrats-abroad-celebrate-president-obama’s-birthday>, 28 July 2011) in which all Democrats Abroad members are encouraged to celebrate President Obama’s 50<sup>th</sup> birthday by ensuring more American citizens resident overseas are registered to vote in order to make the difference in close elections around the country.

<sup>40</sup> Democrats Abroad. 2011. *Become a Member*. (<http://www.democratsabroad.org/user/register>, 29 July 2011).

<sup>41</sup> Republicans Abroad. 2011 *Chapter Lists*. ([http://www.republicansabroad.org/chapter\\_list.php](http://www.republicansabroad.org/chapter_list.php), 31 July 2011).

<sup>42</sup> Republicans Abroad. 2011. *Welcome to Republicans Abroad*. (<http://www.republicansabroad.org/index.php>, 31 July 2011).

<sup>43</sup> Republicans Abroad. 2011 *Republicans Abroad Membership*. (<http://www.republicansabroad.org/membership.php>, 31 July 2011).

<sup>44</sup> Republicans Abroad UK. 2011. *Membership*. (<http://www.republicansabroad-uk.org/test.aspx?id=29>, 31 July 2011).

<sup>45</sup> Oliver, *The Effects of Eligibility Restrictions and Party Activity on Absentee Voting and Overall Turnout*, p. 499.

and the number of individual contributions by Americans located outside the United States increased by 425 percent.<sup>46</sup> Evidence suggests that the DNC in tandem with Democrats Abroad has been highly effective at mobilising support from overseas as between 1991 and 2008, political contributions from Americans residing abroad favored Democrats over Republicans by a margin of three to one.<sup>47</sup>

**Table 4.1: American Political Contributions from Outside the United States, 2000-2008**

1999-2000	2003-2004	2007-2008
\$1,462,082	\$2,995,339	\$10,967,657
N = 2,099	N = 3,524	N = 11,024

Source: Starkweather, Sarah. 2010. Campaign Contributions by American Citizens Living Abroad, 1991- 2008. *Overseas Vote Foundation, Newsletter 2*, March/April 2010.

One caveat to this trend is the potential influence of the ‘Obama effect’ as the largest increases in both the total amount of contributions and the number of individuals contributing occurred between the 2004 Election and the 2008 Election. Further evidence from the 2010 Mid Term Election and the forthcoming 2012 Presidential Election would be required to confirm the extent of this trend.

There are differing views regarding the effectiveness of increasing voter turnout by liberalising election procedures. Many of these views have been presented in this chapter. However some even argue that liberalising election procedures could potentially have an adverse affect on voter turnout. Lau et. al. suggest that a high level of turnout as a result of liberalised election procedures may not be a sufficient expression of a healthy democracy, and in fact could be counterintuitive to the purpose of the liberalisation.<sup>48</sup> Glenn and Wlezian more specifically argue that liberalising registration laws could produce a more volatile voting population due to decreases in party identification, interest in politics and intensity of party affiliation.<sup>49</sup> HAVA and the MOVE Act were designed to liberalise election procedures for the overseas community, but their positive or negative impact on overseas turnout is unclear. It remains a reasonable contention that despite an easing of procedures, some Americans

<sup>46</sup> Starkweather, Sarah. 2010. Campaign Contributions by American Citizens Living Abroad, 1991- 2008. *OVF Research Newsletter*, 2(2).

<sup>47</sup> Starkweather, Campaign Contributions by American Citizens Living Abroad, 1991- 2008.

<sup>48</sup> Lau, Richard R., Andersen, David J., and Redlawsk, David P. 2008. An Exploration of Correct Voting in Recent U.S. Presidential Elections. *American Journal of Political Science*, 52(2), p. 396.

<sup>49</sup> Mitchell and Wlezien, The Impact of Legal Constraints on Voter Registration, Turnout and the Composition of the American Electorate, p. 195.

residing abroad are still not able to negotiate the system and participate electorally. It is also possible that some choose not to participate. The only way to determine the impact of HAVA and the MOVE Act is to consider voter turnout figures for the overseas population.

#### **4.4 Constructing Population Models for the UOCAVA Community**

While presenting figures regarding voter turnout seems a fairly straightforward exercise, there are competing views regarding how to most accurately calculate this number.<sup>50</sup> Some have argued for constructing voter turnout utilising only the percentage of registered voters who vote.<sup>51</sup> This practice is widely used in Europe where registration figures are more robust because registration is generally a function of government or required by law. However, as previously discussed, the onus to register to vote is left to the individual in the United States. Further, as has been demonstrated by the 2000 Presidential Election, registration procedures can vary substantially from state to state. This variation prohibits meaningful comparisons when considering voter turnout between the states. Due to these systemic differences both within and beyond state borders, voter turnout in the United States has traditionally been measured utilising the total voting age population (VAP) provided by the United States Census Bureau. The VAP represents the number of persons of voting age 18 or over in each state. The Census Bureau recognises however that the VAP includes non-eligible voter populations such as felons and noncitizens, and excludes Americans living overseas who are eligible to vote.<sup>52</sup> Given this, McDonald and Popkin argue that the VAP is not the best measure for constructing voter turnout and note the VAP generates lower voter turnout data.<sup>53</sup> To counteract the tendency for the VAP to confound voter turnout statistics, McDonald has constructed figures representing the voting eligible population (VEP) which adjusts for those segments of the population that are not eligible to vote, as

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<sup>50</sup> Benny Geys provides a meta-analysis of 83 studies regarding voter turnout. In this study, the variety of ways that voter turnout has been defined is addressed. See Geys, Benny. 2006. Explaining Voter Turnout: A Review of Aggregate-Level Research. *Electoral Studies*, 25(4), pp. 637-663.

<sup>51</sup> Blais, A. and Dobrzynska, A. 1998. cited in Endersby, James W. and Kriekhaus, Jonathan T. 2008. Turnout Around the Globe: The Influence of Electoral Institutions on National Voter Participation, 1972-2000. *Electoral Studies*, 27(4), p. 602.

<sup>52</sup> File, Thomas and Crissey, Sarah. 2010. *Voting and Registration in the Election of November 2008*. Washington, D.C.: United States Census Bureau, p. 15.

<sup>53</sup> McDonald, Michael P, and Popkin, Samuel L. 2001. The Myth of the Vanishing Voter. *The American Political Science Review*, 95(4), p. 963.

well as those overseas voters that are not included in the VAP.<sup>54</sup> Using the VEP for measuring voter turnout is now largely accepted as superior to traditional calculations of voter turnout and as a result, is now accepted as best practice in measuring voter turnout in the United States, particularly at the state level.<sup>55</sup>

The ability to calculate voter turnout for the UOCAVA population is limited by the availability of data. Indeed, there is an acute lack of robust data regarding all facets of the UOCAVA voting experience, including rates of participation.<sup>56</sup> Typically, voter turnout rates are calculated by considering the ratio between the number of ballots counted versus the number of people eligible to vote.<sup>57</sup> Two data sets are required to complete this task: a data set reflecting the total number of ballots counted in any given election and a data set reflecting the total number of eligible voters in that election. In the case of overseas voters, neither data set has ever been readily available. The data dilemma concerning UOCAVA voters was not lost on legislators subsequent to the 2000 Presidential Election controversy. Section 703 of HAVA was constructed to facilitate the collection of UOCAVA ‘ballots cast’ data by mandating that states and local jurisdictions report the number of overseas ballots transmitted and received to the Election Assistance Commission (EAC) no later than 90 days after the date of each regularly scheduled general election for Federal office.<sup>58</sup> Since its inception however, the EAC has struggled with state compliance regarding UOCAVA data submission. This problem has been largely attributed to extensive variations in the manner in which UOCAVA information is tracked and reported by the states.<sup>59</sup> Although states are becoming more compliant and standardised in this process, using the existing data to construct meaningful time series evaluations is challenging. The data sets, particularly the early data sets, are only partial and in some instances imperfect. It is important to recognise this limitation, however it should not preclude any attempts at analysis.

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<sup>54</sup> McDonald, Michael P. 2011. 2000-2010 General Election Turnout. *United States Election Project*. ([http://elections.gmi.edu/voter\\_turnout.htm](http://elections.gmi.edu/voter_turnout.htm), 13 March 2011).

<sup>55</sup> Holbrook, Thomas and Heidbreder, Brianne. 2010. Does Measurement Matter? The Case of VAP and VEP in Models of Voter Turnout in the United States. *State Politics and Policy Quarterly*, 10(2), p. 159.

<sup>56</sup> For a thorough discussion of the problems with UOCAVA data, see Hall, Thad E., 2008. UOCAVA: A State of the Research. *Caltech/MIT Voting Technology Project*. VTP Working Paper Number 69.

<sup>57</sup> McDonald, Michael P. 2002. The Turnout Rate Among Eligible Voters in the States, 1980-2000. *State Politics and Policy Quarterly*, 2(2), p. 199.

<sup>58</sup> United States Congress. 2002. Title VII, Section 703. Report on Absentee Ballots Transmitted and Received After General Elections. *Help America Vote Act of 2002*. Washington, D.C.: Government Printing Office.

<sup>59</sup> United States Election Assistance Commission. 2006. *Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA): U.S. Election Assistance Commission Survey Report Findings. March 2006*. Washington, D.C.: United States Election Assistance Commission, p. 6.

Regarding the total number of eligible UOCAVA voters, quantifying the total number of UOCAVA eligible voters for the purposes of determining voter turnout rates is highly problematic. Americans who reside overseas are not included in any census so the total number of Americans residing overseas is unknown.<sup>60</sup> Determining the number of Americans overseas is further frustrated by key stakeholder groups who are reticent to provide accurate membership data, and in some instances inflate participation numbers to draw attention to their cause, or to exaggerate the potential electoral importance of the UOCAVA population. For example, The Association of Americans Resident Overseas (AARO) recently reported that overseas Americans typically cast three percent of the total ballots in any election.<sup>61</sup> However, the EAC reports that UOCAVA ballots only comprised less than one percent of the aggregate total of ballots cast in the 2008 General Election.<sup>62</sup> In an attempt to rectify the ‘counting’ problem, OVF launched the U.S. Overseas Citizens Count Project to clarify issues related to population distribution of Americans resident overseas, although it is unclear how this endeavour was advertised beyond their existing membership list.<sup>63</sup> Despite guaranteeing anonymity, it is uncertain if this project will be successful because there are other factors that most likely cause some Americans residing abroad to choose to remain unidentified.

There are several sources that currently provide data on the American overseas population, however the methods used to collect that data vary and the figures vary by as much as two million. McDonald and Popkin have constructed the most developed data set regarding the overseas eligible voting population going back to 1948.<sup>64</sup> Beginning with the data for the 2000 Election, McDonald utilised unpublished U.S. Consular reports to construct the overseas civilian population, although he cautions that according to the State Department, the overseas civilian population is most likely underestimated.<sup>65</sup> He adjusted the totals using information on military personnel

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<sup>60</sup> For further insight into the problem of counting Americans residing overseas, see United States Congress. Hearing Before the Subcommittee on the Census of the Committee on Government Reform, July 26, 2001. *Americans Abroad, How Can We Count Them?* Washington, D.C.: Government Printing Office.

<sup>61</sup> The Association of Americans Resident Overseas. 2008. *Position – Overseas Voting Reform – 2008*. (<http://www.aaro.org>, 21 January 2009).

<sup>62</sup> United States Election Assistance Commission, *The 2009 Election Administration and Voting Survey: A Summary of Key Findings*.

<sup>63</sup> Overseas Vote Foundation. 2011. *Overseas Vote Foundation Calls for Americans Abroad to Stand Up and Be Counted, Launches U.S. Overseas Citizens Count Project*. (<http://hosted.verticalresponse.com/671692/aa774511d6/285509889/3c196dc17f>, 3 August 2011).

<sup>64</sup> McDonald and Popkin, *The Myth of the Vanishing Voter*, p. 966.

<sup>65</sup> McDonald and Popkin, *The Myth of the Vanishing Voter*, p. 972.

provided by the Department of Defense (DoD), and further adjusted for the number of persons under the age of 18, making an assumption that age distribution overseas is the same as that in the domestic United States.<sup>66</sup> Beginning with the 2008 General Election, McDonald apportioned the overall total of overseas eligible voters to the states based on estimates of American citizens abroad by state provided by the FVAP, as well as registration data collected by OVF.<sup>67</sup>

While McDonald's is the most extensive data set regarding an estimate of the overseas population, there are some problems. Notably, his data indicates that between 2000 and 2008, the overseas eligible population increased from 2,937,000 to 4,972,217.<sup>68</sup> When asked in correspondence how this increase could be accounted for, McDonald indicated that the most significant reason for the increase in overseas population since 2000 was increased U.S. military deployment.<sup>69</sup> However, according to the DoD, there was not an appreciable increase in military personnel deployed in foreign countries from 2000 to 2008 to account for such an increase.<sup>70</sup> It has also been noted that McDonald has assumed that the age distribution of the American overseas population mirrors that of the domestic population when adjusting for individuals under the age of 18. Survey evidence suggests this is not the case. The Americans Living Abroad (ALA) survey conducted for this research found that 64.4 percent of overseas respondents indicated they were 45 years of age or older.<sup>71</sup> The most recent OVF survey further indicated that 63.4 percent of their overseas respondents stated they were 50 years of age or older.<sup>72</sup> This varies distinctly from the domestic distribution of population by age in that only 39.4 percent indicate they are aged 45 or older.<sup>73</sup> The impact of McDonald's

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<sup>66</sup> McDonald and Popkin, *The Myth of the Vanishing Voter*, p. 972.

<sup>67</sup> McDonald, Michael P. 2011. *Discussion Regarding VEP Turnout and Overseas Eligible Figures*. (Personal communication, 15 July 2011).

<sup>68</sup> McDonald, *United States Election Turnout Rates, 2000 to 2010*.

<sup>69</sup> McDonald, *Discussion Regarding VEP Turnout and Overseas Eligible Figures*.

<sup>70</sup> 31 December 2000: Total United States military deployed in foreign countries - 263,072, total DoD civilian employees in foreign countries - 48,460 and total military dependents - 194,673 = **506,205**. 31 December 2008: Total United States military deployed in foreign countries including Operation Iraqi Freedom and Operation Enduring Freedom (Afghanistan) - 283,589, total DoD civilian employees employed in foreign countries - 45,166 and total military dependents - 209,856 = **538,611**. See Department of Defense. 2011. *Personnel and Procurement Reports and Data Files*. (<http://siadapp.dmdc.osd.mil/index.html>, 3 August 2011).

<sup>71</sup> See ALA Survey at Appendix C. Question 1 ( $n = 697$ ): 'What is your age?' 1 = 18-24, 2 = 25-34, 3 = 35-44, 4 = 45-54, 5 = 55-64, 6 = 65 or over.

<sup>72</sup> Overseas Vote Foundation. 2011. *Overseas Vote Foundation Measures Impact of MOVE Act with 2010 Post Election UOCAVA Voter and Election Official Surveys*. (<https://www.overseasvotefoundation.org/press>, 9 June 2011).

<sup>73</sup> United States Census Bureau. 2011. *2010 Census Briefs. Age and Sex Composition: 2010*. ([http://www.census.gov/prod/cen2010/briefs/c2010br\\_03.pdf](http://www.census.gov/prod/cen2010/briefs/c2010br_03.pdf), 3 August 2011).

assumption is most likely an over estimate of the number of individuals under the age of 18 overseas, which has erroneously reduced his total overseas VEP.

The second source of overseas population data comes from the U.S. State Department. In July of 1999, the Bureau of Consular Affairs estimated there were 3,784,693 private American citizens living overseas.<sup>74</sup> This total did not include military personnel, DoD civilian employees or their dependents. Also, this figure did not adjust for the overseas population under the age of 18. This figure has not been updated since, however the general number of 5,256,600 was released by the State Department to various key stakeholder groups in 2009.<sup>75</sup> While the State Department indicates there are more current estimates, they no longer compile these statistics in a public database due to security concerns since 11 September 2001.<sup>76</sup> However, the Bureau of Consular affairs released data regarding the number of children born abroad as U.S. citizens between 2000 and 2009.<sup>77</sup> The birth figures for 2009 have been used by Andy Sundberg of American Citizens Abroad (ACA) to construct the number of civilians abroad, assuming the U.S. national birth rate of 14 children per 1000, to produce an estimate of 4,300,000 American civilians abroad.<sup>78</sup> A further adjustment to 3,600,000 was made reflecting the probability that not all children born overseas will have parents who are both United States citizens.<sup>79</sup> However, the ACA estimate also does not include military personnel, DoD civilian employees or their dependents and does not appear to adjust for the overseas population under the age of 18.

The final source of overseas population data comes from the Overseas Vote Foundation (OVF). This data set is intriguing as it considers underutilised data from foreign governments to more accurately assess the number of American citizens living abroad. For example, Smith notes that the Central Register of Foreigners in Germany is definitive, and reports that in 2007, 99,891 Americans registered and are living in Germany.<sup>80</sup> The Office for National Statistics in the UK provides extensive survey data on the country of birth and nationality of the UK population. The most recent estimate

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<sup>74</sup> Bureau of Consular Affairs. 1999. *Private American Citizens Residing Abroad*. ([http://www.pueblo.gsa.gov/cic\\_text/state/amcit\\_numbers.html](http://www.pueblo.gsa.gov/cic_text/state/amcit_numbers.html), 3 August 2011).

<sup>75</sup> Smith, Claire M. 2010. These are our Numbers: Civilian Americans Overseas and Voter Turnout. *OVF Research Newsletter*. 2(4).

<sup>76</sup> Flick, Frederick and Yun, Lawrence. 2007. *Americans Buying Homes Abroad: Trend Indicators and Some Initial Estimates*. Washington, D.C.: Research Division of the National Association of Realtors.

<sup>77</sup> Smith, These are our Numbers: Civilian Americans Overseas and Voter Turnout.

<sup>78</sup> Smith, These are our Numbers: Civilian Americans Overseas and Voter Turnout.

<sup>79</sup> Smith, These are our Numbers: Civilian Americans Overseas and Voter Turnout.

<sup>80</sup> Smith, These are our Numbers: Civilian Americans Overseas and Voter Turnout.

indicates 197,000 American citizens live in the United Kingdom with a coefficient of variation of less than five percent indicating a high level of confidence in the data.<sup>81</sup>

Using this method of capturing foreign government data, the OVF approximates about 3,000,000 private American citizens living abroad. This figure does not include military personnel, DoD civilian employees or their dependents. Also, this figure does not adjust for the overseas population under the age of 18.

Because there is no definitive source for overseas population data, for the purposes of this analysis, all population data sets discussed will be utilised. In doing so, the broadest and most complete assessment of overseas population estimates will be considered, and are presented in Table 4.2. However, several assumptions and adjustments are necessary to the data sets:

- McDonald's state population apportioning ratios will be used against all the population data sets based on the assumption that while the overall total of overseas eligible voters might vary from source to source, the state distribution based on the FVAP and OVF data is largely constant.
- All adjustments regarding military personnel, DoD civilian employees, their dependents and citizens under the age of 18 will be applied to those data sets if applicable in order to consider only the population eligible to vote.<sup>82</sup>
- While McDonald's assumption of commonality in age distribution between the overseas population and domestic population has been questioned based on recent UOCAVA survey data from several sources, the same approach will be taken to adjust the other data sets for the overseas population under 18 years of age. Clearly the UOCAVA population is older than the domestic population, however the extent of this difference is unclear.

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<sup>81</sup> Office of National Statistics. 2011. *Population by Country of Birth and Nationality Oct 2009 to Sep 2010*. (<http://www.statistics.gov.uk/stabase/Product.asp?vlnk=15147>, 3 August 2011).

<sup>82</sup> United States Census Bureau. 2000. *Population by Age, Sex, Race, and Hispanic or Latino Origin for the United States: 2000*. ([http://www.census.gov/population/www/cen2000/briefs/phc\\_t9/index.html](http://www.census.gov/population/www/cen2000/briefs/phc_t9/index.html), 4 August 2011), DoD Personnel and Procurement Statistics. 1999. *Active Duty Military Personnel Strengths by Regional Area and Country, December 31 1999*. (<http://siadapp.dmdc.osd.mil/personnel/M05/hst299.pdf>, 3 August 2011), United States Census Bureau. 2011. *2010 Census Briefs. Age and Sex Composition: 2010*. ([http://www.census.gov/prod/cen2010/briefs/c2010br\\_03.pdf](http://www.census.gov/prod/cen2010/briefs/c2010br_03.pdf), 3 August 2011), DoD Personnel and Procurement Statistics. 2010. *Active Duty Military Personnel Strengths by Regional Area and by Country, September 30, 2010*. (<http://siadapp.dmdc.osd.mil/personnel/MILITARY/history/hst1009.pdf>, 3 August 2011).

- Regarding the age adjustment, the DoD adjustment figures include three categories: military personnel in foreign countries, DoD civilian personnel in foreign countries, and dependents in foreign countries. The age adjustment will only be applied to the dependents in foreign countries category as it is assumed the individuals in the other categories are 18 years of age or older.

<b>Table 4.2 Voting Eligible Overseas Population Estimates by State</b>							
	<b>2004 General</b>	<b>2006 General (Midterm)</b>	<b>2008 General</b>	<b>2009</b>	<b>2009</b>	<b>2009/10</b>	<b>2010 General (Midterm)</b>
	<b>McDonald VEP</b>	<b>McDonald VEP</b>	<b>McDonald VEP</b>	<b>State Department</b>	<b>Sundberg/ACA</b>	<b>OVF with Foreign Govt. Data</b>	<b>McDonald VEP</b>
	<b>3,862,836</b>	<b>4,417,527</b>	<b>4,972,217</b>	<b>5,256,600</b>	<b>3,600,000</b>	<b>3,000,000</b>	<b>4,972,217</b>
				<b>Plus DoD adjustment</b>	<b>Plus DoD adjustment</b>	<b>Plus DoD adjustment</b>	
				<b>538,545</b>	<b>538,545</b>	<b>538,545</b>	
				<b>Minus Census adjustment &lt;18</b>	<b>Minus Census adjustment &lt;18</b>	<b>Minus Census adjustment &lt;18</b>	
				<b>-1,312,127</b>	<b>-914,543</b>	<b>-770,543</b>	
<b>TOTAL</b>	<b>3,862,836</b>	<b>4,417,527</b>	<b>4,972,217</b>	<b>4,483,018</b>	<b>3,224,002</b>	<b>2,768,002</b>	<b>4,972,217</b>
Alabama	57,556	65,821	74,079	66,797	48,038	41,243	74,079
Alaska	47,127	53,894	60,686	54,693	39,333	33,770	60,686
Arizona	69,917	79,957	90,036	81,143	58,355	50,101	90,036
Arkansas	33,993	38,874	43,963	39,451	28,371	24,358	43,963
California	377,785	432,034	486,207	438,439	315,307	270,711	486,207
Colorado	56,011	64,054	71,854	65,004	46,748	40,136	71,854
Connecticut	35,538	40,641	45,799	41,244	29,661	25,466	45,799
Delaware	9,657	11,044	12,658	11,207	8,060	6,920	12,658
District of Columbia	5,408	6,185	6,916	6,276	4,514	3,875	6,916
Florida	351,132	401,553	451,907	407,506	293,062	251,611	451,907
Georgia	109,705	125,458	141,001	127,318	91,562	78,611	141,001
Hawaii	15,451	17,670	20,090	17,932	12,896	11,072	20,090
Idaho	20,859	23,855	26,779	24,208	17,410	14,947	26,779
Illinois	155,672	178,026	200,530	180,666	129,927	111,550	200,530
Indiana	69,531	79,516	89,605	80,694	58,032	49,824	89,605

Iowa	33,607	38,432	43,108	39,002	28,049	24,082	43,108
Kansas	32,834	37,549	42,495	38,106	27,404	23,528	42,495
Kentucky	45,582	52,127	58,518	52,900	38,043	32,662	58,518
Louisiana	52,921	60,520	68,285	61,417	44,169	37,922	68,285
Maine	16,610	18,995	21,362	19,277	13,863	11,902	21,362
Maryland	59,874	68,472	77,074	69,487	49,972	42,904	77,074
Massachusetts	60,647	69,355	77,830	70,383	50,617	43,458	77,830
Michigan	127,087	145,337	163,673	147,491	106,070	91,067	163,673
Minnesota	54,466	62,287	70,063	63,211	45,458	39,029	70,063
Mississippi	35,152	40,200	45,082	40,795	29,338	25,189	45,082
Missouri	75,325	86,142	96,710	87,419	62,868	53,976	96,710
Montana	17,769	20,321	22,898	20,622	14,830	12,733	22,898
Nebraska	21,246	24,296	27,311	24,657	17,732	15,224	27,311
Nevada	35,538	40,641	45,656	41,244	29,661	25,466	45,656
New Hampshire	19,700	22,529	25,558	22,863	16,442	14,117	25,558
New Jersey	85,755	98,069	110,559	99,523	71,573	61,450	110,559
New Mexico	24,336	27,830	31,444	28,243	20,311	17,438	31,444
New York	205,117	234,571	263,787	238,048	171,195	146,981	263,787
North Carolina	103,524	118,390	133,483	120,145	86,403	74,183	133,483
North Dakota	8,498	9,719	11,179	9,863	7,093	6,090	11,179
Ohio	135,586	155,055	174,703	157,354	113,163	97,157	174,703
Oklahoma	44,423	50,802	57,046	51,555	37,076	31,832	57,046
Oregon	49,444	56,544	63,480	57,383	41,267	35,431	63,480
Pennsylvania	158,376	181,119	203,791	183,804	132,184	113,488	203,791
Rhode Island	10,816	12,369	13,827	12,552	9,027	7,750	13,827
South Carolina	56,011	64,054	72,241	65,004	46,748	40,136	72,241

South Dakota	15,838	18,112	20,144	18,380	13,218	11,349	20,144
Tennessee	99,275	113,530	127,930	115,214	82,857	71,138	127,930
Texas	426,843	488,137	549,215	495,373	356,252	305,864	549,215
Utah	24,722	28,272	31,783	28,691	20,634	17,715	31,783
Vermont	8,112	9,277	10,546	9,414	6,770	5,813	10,546
Virginia	96,957	110,880	124,689	112,524	80,923	69,477	124,689
Washington	107,387	122,807	138,296	124,628	89,627	76,950	138,296
West Virginia	26,267	30,039	33,788	30,484	21,923	18,822	33,788
Wisconsin	61,033	69,797	78,721	70,832	50,939	43,734	78,721
Wyoming	10,816	12,369	13,832	12,552	9,027	7,750	13,832

## 4.5 Constructing Voter Turnout for the UOCAVA Population

Using the constructed population information beginning in 2004, overseas voter turnout can now be calculated with UOCAVA ballot information collected by the Election Assistance Commission (EAC). The EAC's first attempt at UOCAVA data collection in accordance with HAVA occurred in 2004. The EAC recognised the problems with this data set by noting that many states and local jurisdictions did not collect the correct data required by HAVA, and if the data was collected, it may have been aggregated with other absentee ballot data not related to UOCAVA ballots.<sup>83</sup> The handling of Federal Write in Absentee Ballots (FWABs) was also problematic in that it was likely these were not included in 'total ballots received' by many states. However, these administrative problems at the state level offered the EAC an opportunity to develop standardised 'election record keeping protocols' to promote the uniformity that HAVA aspired to.<sup>84</sup> As is so common in the survey administration process, the EAC also noted that only two states had responded to the UOCAVA survey by the designated closing date, further exasperating the data collection process.<sup>85</sup> The 2004 data is very simplistic, noting only the UOCAVA absentee ballots sent and the UOCAVA absentee ballots returned.

The next attempt at UOCAVA data collection occurred in 2006, and while the data collected was more robust than in 2004, again the EAC noted that the quality of the data set was 'replete with improbable information'.<sup>86</sup> As the EAC also collects data on a number of other election issues, in order to avoid survey fatigue, numerous topics were aggregated into one survey instrument, including the overseas data collection.<sup>87</sup> The full survey contained 58 questions, of which six related to UOCAVA voters.<sup>88</sup> The EAC noted that there appeared to be divergent interpretations of the six UOCAVA questions relating primarily to the definitions of the various types of UOCAVA voters, such as

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<sup>83</sup> United States Election Assistance Commission. *Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA): U.S. Election Assistance Commission Survey Report Findings. March 2006*, p. 3.

<sup>84</sup> United States Election Assistance Commission. *Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA): U.S. Election Assistance Commission Survey Report Findings. March 2006*, p. 8.

<sup>85</sup> United States Election Assistance Commission. *Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA): U.S. Election Assistance Commission Survey Report Findings. March 2006*, p. 5.

<sup>86</sup> United States Election Assistance Commission. 2007. *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Survey Report Findings. September 2007*. Washington, D.C.: United States Election Assistance Commission, p. 1.

<sup>87</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Survey Report Findings. September 2007*, p. 4-5.

<sup>88</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Survey Report Findings. September 2007*, p. 5-6.

overseas civilian or overseas military.<sup>89</sup> The EAC suggested this misinterpretation might have confounded the data collection.<sup>90</sup> Further, the counting of FWABs continued to be problematic, as many states did not include these ballots in their overall total again.<sup>91</sup> The survey response rate continued to be low, with the average response being 56.5 percent of election jurisdictions per state.<sup>92</sup> What is most compelling about this data compared to the 2004 data is the variation in total ballots counted or received between the two election cycles. Based on the 2006 data, the EAC reports an average overseas turnout rate of 5.5 percent, while the 2004 data, omitting those states that appear to have aggregated UOCAVA ballots with domestic absentee ballots, suggests an average turnout rate of 15.2 percent.<sup>93</sup> While the data related to both election cycles is without doubt incomplete, this difference in turnout could be attributed to an expected lower turnout in the 2006 midterm election. The EAC notes that the 2006 data surely reflects an underestimate of UOCAVA participation, however midterm election turnout is 10 to 20 percent lower than a high stimulus presidential election.<sup>94</sup> This is reflected in the states that appear to have complied with HAVA data reporting requirements most fully, with an average decline in turnout from 2004 to 2006 of 11.8 percent.<sup>95</sup> The EAC recognised this in its 2008 report when it was retrospectively suggested that this was a possible explanation for the low 2006 turnout.<sup>96</sup> While it is unclear the extent of the effect of expected lower turnout in a midterm election, the existing data suggests that low stimulus elections do impact UOCAVA turnout.

The EAC conducted its third attempt at UOCAVA data collection following the 2008 election. The sophistication of the survey relating to UOCAVA data collection continued to improve, as out of the 51 questions on the survey, 20 related to UOCAVA

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<sup>89</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Survey Report Findings. September 2007*, p. 7.

<sup>90</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Survey Report Findings. September 2007*, p. 7.

<sup>91</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Survey Report Findings. September 2007*, p. 2.

<sup>92</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Survey Report Findings. September 2007*, p. 8.

<sup>93</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Survey Report Findings. September 2007*, p. 1.

<sup>94</sup> Flanigan, W.H. and Zingale, N.H., 1994. *Political Behaviour of the American Electorate, 8<sup>th</sup> Edition*. Washington D.C.: Congressional Quarterly Press, p. 33.

<sup>95</sup> Based on the presentation of EAC data in both the 2004 and 2006 survey reports, Alaska, Florida, Minnesota, Ohio and Texas are noted as having a high response rate by election jurisdictions reporting UOCAVA ballot information, including FWABs. This implies that their data is more complete and thus more useful in making an observation regarding the impact of low stimulus elections and UOCAVA voter turnout.

<sup>96</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*, p. 8.

voters and ballots.<sup>97</sup> Noting that the survey questions were significantly revised from 2006, the EAC reported an improved response rate averaging 81.4 percent of local election jurisdictions per state.<sup>98</sup> However the state response rate regarding the disposition of FWABs, while improved, continued to be problematic.<sup>99</sup> The mobility of overseas voters again was suggested as having had a negative effect on the receipt and return of ballots, as the EAC reported that one fifth of automatically transmitted ballots were not returned to the states or the status of the ballot was unknown.<sup>100</sup> Under UOCAVA, ballots are transmitted automatically for two election cycles if the overseas voter is registered. If an overseas voter has moved between election cycles, and not reported that move, the ballot will most likely not be received by the voter as it will be sent to the wrong address. The MOVE Act was intended to address this issue by requiring UOCAVA voters to register every election cycle. However the non return of a ballot to the state election official in this instance does not necessarily correlate with a lack of receipt of that ballot. It is not clarified in the 2008 report whether the transmitted ballots at issue were returned to the states of origin as ‘non deliverable’, or the voter simply did not vote and subsequently return the ballot. But of all UOCAVA ballots that were submitted for counting, 6.4 percent were rejected, with the most common reason for rejection being the voter not returning the ballot on time or some other missed deadline.<sup>101</sup>

The most recent attempt at collecting UOCAVA data took place in 2010 for the midterm election. The EAC reported that response to the 2010 survey was markedly improved from 2008, with 161 more jurisdictions reporting data to the EAC.<sup>102</sup> All states were able to provide data concerning the total number of UOCAVA ballots transmitted, the total number of UOCAVA ballots submitted for counting, and the total number of UOCAVA ballots counted.<sup>103</sup> What is particularly striking about the data

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<sup>97</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*, p. 3.

<sup>98</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*, p. 5.

<sup>99</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*, p. 5.

<sup>100</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*, p. 8.

<sup>101</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*, p. 11.

<sup>102</sup> United States Election Assistance Commission. 2011. *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*. Washington, D.C.: United States Election Assistance Commission, p. 1.

<sup>103</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*, p. 9.

however is the large number of ballots, 47.5 percent of the total transmitted, with an unknown status.<sup>104</sup> This is significantly higher than the comparative data reported in 2008. Again, a ballot with an unknown status does not necessarily mean that ballot has been lost, but could simply mean that an overseas voter has received their ballot but does not vote and return that ballot. A further 9.1 percent of ballots were either returned undeliverable, spoiled, or could not be accounted for and subsequently classified as 'other disposition'.<sup>105</sup> This equates to a staggeringly high 56.6 percent of all transmitted ballots that have not been returned for counting. The EAC further reported that data collection concerning UOCAVA voters is still incomplete, with many jurisdictions providing data for some categories, but not for others.<sup>106</sup> The reporting of data concerning FWABs seemed again to be particularly difficult, and it is interesting to note that the use of FWABs overall is problematic when considering an overall rejection rate of 31.6 percent in the 2010 Election.<sup>107</sup> It is also interesting to note that the 2010 survey instrument was largely unchanged from 2008 with the exception of two questions that were deleted relating to procedural changes as a result of the MOVE Act.<sup>108</sup> This continuity is reflective of the EAC's desire to standardise the reporting process. However, according to the EAC, election data collection continued to vary greatly between the states despite this standardisation effort.<sup>109</sup>

Using the data from the four EAC data sets outlined above, several challenges remain with regard to measuring UOCAVA turnout. One of those challenges relates to determining how a UOCAVA ballot is defined. For example, participation by the overseas voter could be optimistically defined as all those individuals who have requested a ballot.<sup>110</sup> This definition assumes that all UOCAVA voters who request a ballot will receive that ballot, and will cast and return that ballot. If that ballot is not received by the appropriate state authority, it would be because of a systemic error and not because of the voter. If we accept this definition, average voter turnout based on

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<sup>104</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*, p. 6.

<sup>105</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*, p. 6.

<sup>106</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*, p. 4.

<sup>107</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*, p. 9.

<sup>108</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*, p. 2.

<sup>109</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*, p. 3.

<sup>110</sup> Smith, *These are our Numbers: Civilian Americans Overseas and Voter Turnout*, p. 9.

McDonald's overseas VEP estimates is on average 5.1 percent higher than measuring voter turnout based on actual ballots counted or received. However tempting as it may be to accept this definition of the UOCAVA ballot, this assumption is far too sanguine. While there are clearly issues related to ensuring successful overseas ballot transit, there are surely other factors that contribute to a ballot not being returned and subsequently counted that can only be attributed to the voter. In this regard, it should be recognised that the problem of very low overseas turnout is not unique to the United States. For example, out of 5.5 million British citizens residing outside of the United Kingdom, only approximately 30,000 actually vote.<sup>111</sup>

An alternative to defining what constitutes a UOCAVA ballot would be to consider all the ballots returned for counting. However, this is also problematic because in many instances, the EAC suggests that states have reported ballots returned for counting from a different number of jurisdictions than they reported for ballots actually counted.<sup>112</sup> Even if a ballot is returned to be counted, it does not necessarily follow that it will be counted. The ballot could be rejected due to a missed deadline, a problem with a voter signature, the lack of a postmark or some other administrative reason. HAVA, and particularly the MOVE Act, wanted to address ballot rejection rates at this stage of the process. However, in their most recent report, the EAC notes that rejection rates of ballots received for counting continue to be quite different from state to state, reflecting continued divergent election policies.<sup>113</sup> The rejection rates of ballots submitted for counting in 2008 and 2010 are shown in Table 4.3. These years provide a good insight into the trend of the rejection rate of ballots submitted for counting because of parity in state reporting of data. The data challenges the effectiveness of HAVA, and particularly the MOVE Act in this regard. Indeed, it could be argued that the ballot rejection rate is significantly worse in 2010 because the overall number of ballots submitted for counting was 68 percent less than in 2008.<sup>114</sup> It should follow that with fewer ballots come fewer rejected ballots, but that does not appear to be the case.

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<sup>111</sup> House of Commons Library Standard Note SN/PC/5923. *Overseas Voters*. 30 March 2011, p. 9.

<sup>112</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*, p. 8.

<sup>113</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*, p. 8.

<sup>114</sup> Total number of ballots submitted for counting 2008: 680,463. Total number of ballots submitted for counting 2010: 211,749. See United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*, pp. 51-52 and United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*, pp. 46-47.

**Table 4.3: Rejection Rate of Ballots Submitted For Counting, 2008 and 2010**

2008	6.36%
2010	6.78%

Source: United States Election Assistance Commission. 2009. *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*. Washington, D.C.: United States Election Assistance Commission, and United States Election Assistance Commission. 2011. *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*. Washington, D.C.: United States Election Assistance Commission.

To achieve the most accurate and comparable data concerning overseas turnout, it seems most appropriate to consider only those ballots that are successfully counted. This reflects the traditional approach to measuring voter turnout and takes into account the realistic potential for other outside factors to affect the difference in ballots transmitted to overseas voters and ballots counted for overseas voters. Additionally, as the MOVE Act was designed to mitigate the transit problems in the overseas voting process by mandating a 45 day ballot transit time, assessing voter turnout by ballots counted should positively reflect the success of this policy change. Indeed, in the 2010 Election, more ballots should be counted because of the more relaxed time constraints for sending and receiving ballots. As such, for the purposes of measuring the overseas voter turnout, the following EAC data variables will be used:

- 2004 UOCAVA Absentee Ballots Returned<sup>115</sup>
- 2006 UOCAVA Ballots: Maximum Cast or Counted by Category: Sum of UOCAVA<sup>116</sup>
- 2008 UOCAVA Ballots: All UOCAVA Ballots Counted<sup>117</sup>
- 2010 UOCAVA Ballots: All UOCAVA Ballots Counted<sup>118</sup>

The full UOCAVA voter turnout for the years 2004 to 2010 is presented in Table 4.4, and the discussion concerning that table follows in section 4.6.

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<sup>115</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act (UOCAVA): U.S. Election Assistance Commission Survey Report Findings, March 2006*, p. 9.

<sup>116</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Survey Report Findings, September 2007*, p. 34.

<sup>117</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*, p. 51.

<sup>118</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*, pp. 46-47.

#### **4.6 Has HAVA and the MOVE Act Improved Overseas Voter Turnout?**

There are several observations that can be made when viewing Table 4.4. The first concerns the effect of population size on turnout. This is most clearly illustrated by viewing the various 2010 turnout measurements and the different population estimates of McDonald, the State Department, the ACA, and the OVF for 2010. It is difficult to ascertain which population estimate is the most accurate. It seems probable the State Department estimate is the most accurate due to the remit of the Bureau of Consular Affairs and the Consular Affairs Office of Overseas Citizens Services to monitor the mobility of American citizens abroad. However the OVF estimate is entirely credible based on the sources of the data, but may be too optimistic in assuming full cooperation by Americans resident overseas in registering with the appropriate foreign authorities. The OVF model may also neglect to take into consideration the potential for dual citizens to not report their American citizenship. Regardless of what population model is used, what is evident is that overseas turnout is low, indeed very low.

With regard to UOCAVA policy, key stakeholder groups have indicated that 25 percent of UOCAVA voters are disenfranchised due to antiquated policies related to ballot transmission deadlines.<sup>119</sup> This suggests that if those policies were corrected, as HAVA and the MOVE Act have purported to do, there should be an increase in voter participation by as much as 25 percent. There is no such change manifest in the data presented.

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<sup>119</sup> See for example Schumer, *Schumer Releases Survey Suggesting Ballots of One in Four Overseas Military Voters Went Uncounted in '08 Election*, The Pew Center on the States, *No Time to Vote: Challenges Facing America's Overseas Military Voters*, Smith, Claire, *It's in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting*, and United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings*, November 2009.

**Table 4.4 Overseas Voter Turnout Estimates, 2004-2010**

<i>Election Year/Type</i>	2004 General	2006 General (Midterm)	2008 General	2010 General (Midterm)	2010 General (Midterm)	2010 General (Midterm)	2010 General (Midterm)
<i>Population Model</i>	McDonald VEP	McDonald VEP	McDonald VEP	McDonald VEP	State Department	Sundberg/ACA	OVF with Foreign Govt. Data
<i>EAC Variable</i>	Based on Ballots Returned	Based on Maximum Cast or Counted	Based on Ballots Counted				
Alabama	7.4%	N/A	8.8%	1.4%	1.6%	2.2%	2.6%
Alaska	20.9%	8.5%	19.1%	8.0%	8.9%	12.4%	14.4%
Arizona	11.8%	2.4%	10.0%	2.9%	3.2%	4.4%	5.2%
Arkansas	7.5%	1.3%	8.3%	1.3%	1.4%	2.0%	2.3%
California	N/A	10.5%	13.5%	5.0%	5.5%	7.6%	8.9%
Colorado	11.9%	3.9%	16.3%	6.1%	6.7%	9.4%	10.9%
Connecticut	12.6%	N/A	11.7%	1.5%	1.7%	2.3%	2.7%
Delaware	13.2%	4.4%	12.6%	4.6%	5.1%	7.2%	8.3%
District of Columbia	31.8%	2.4%	39.6%	4.1%	4.6%	6.3%	7.4%
Florida	26.6%	6.7%	21.0%	6.5%	7.2%	10.0%	11.6%
Georgia	12.0%	9.1%	11.9%	2.8%	3.1%	4.4%	5.1%
Hawaii	16.1%	4.4%	11.8%	1.8%	2.1%	2.9%	3.4%
Idaho	18.6%	4.0%	10.0%	3.5%	3.9%	5.4%	6.3%
Illinois	17.1%	1.0%	8.7%	3.4%	3.8%	5.2%	6.1%
Indiana	9.8%	4.1%	5.8%	1.6%	1.8%	2.5%	2.9%
Iowa	14.6%	7.2%	10.1%	3.2%	3.6%	5.0%	5.8%
Kansas	15.5%	6.4%	11.8%	3.2%	3.5%	4.9%	5.7%
Kentucky	10.8%	2.5%	8.9%	1.8%	2.0%	2.8%	3.2%
Louisiana	16.3%	1.3%	8.9%	2.8%	3.2%	4.4%	5.1%

Maine	15.9%	2.6%	7.0%	2.9%	3.2%	4.5%	5.3%
Maryland	18.9%	4.5%	17.1%	4.1%	4.5%	6.3%	7.3%
Massachusetts	183.1%	0.1%	16.4%	2.4%	2.7%	3.8%	4.4%
Michigan	7.8%	2.9%	10.0%	1.8%	2.0%	2.8%	3.2%
Minnesota	16.1%	5.1%	16.2%	2.8%	3.1%	4.3%	5.0%
Mississippi	4.8%	1.1%	4.5%	1.4%	1.5%	2.1%	2.4%
Missouri	12.0%	3.9%	12.4%	3.3%	3.7%	5.1%	5.9%
Montana	19.6%	5.5%	14.8%	6.5%	7.2%	10.0%	11.6%
Nebraska	13.1%	2.7%	9.2%	2.1%	2.3%	3.2%	3.7%
Nevada	12.4%	7.9%	10.0%	3.5%	3.9%	5.4%	6.3%
New Hampshire	18.9%	N/A	13.0%	4.6%	5.2%	7.2%	8.4%
New Jersey	9.9%	52.3%	6.3%	2.5%	2.8%	3.9%	4.5%
New Mexico	1.4%	5.3%	4.5%	1.9%	2.1%	3.0%	3.5%
New York	21.3%	7.4%	19.0%	6.2%	6.9%	9.6%	11.2%
North Carolina	11.6%	2.9%	9.4%	2.0%	2.2%	3.1%	3.6%
North Dakota	13.1%	1.8%	9.0%	1.6%	1.8%	2.5%	3.0%
Ohio	8.7%	3.8%	15.1%	2.1%	2.3%	3.2%	3.7%
Oklahoma	12.9%	2.3%	11.0%	2.3%	2.6%	3.6%	4.2%
Oregon	28.9%	16.4%	19.2%	7.0%	7.7%	10.8%	12.5%
Pennsylvania	19.0%	12.1%	15.6%	3.9%	4.3%	6.0%	7.0%
Rhode Island	176.1%	0.0%	6.5%	2.2%	2.4%	3.3%	3.9%
South Carolina	282.1%	0.1%	12.0%	1.7%	1.9%	2.7%	3.1%
South Dakota	20.8%	87.7%	12.5%	2.8%	3.0%	4.2%	4.9%
Tennessee	16.7%	2.3%	11.3%	2.4%	2.6%	3.7%	4.3%
Texas	15.5%	4.8%	10.2%	3.2%	3.5%	4.9%	5.7%
Utah	15.4%	3.0%	9.8%	2.5%	2.8%	3.9%	4.5%
Vermont	16.5%	0.0%	20.2%	3.7%	4.2%	5.8%	6.7%
Virginia	25.2%	7.0%	23.1%	3.0%	3.3%	4.6%	5.3%
Washington	28.4%	12.8%	33.2%	15.0%	16.6%	23.2%	27.0%

West Virginia	14.3%	81.1%	4.6%	1.4%	1.6%	2.2%	2.6%
Wisconsin	11.7%	1.9%	8.9%	1.7%	1.9%	2.7%	3.1%
Wyoming	24.0%	5.8%	9.2%	3.1%	3.4%	4.7%	5.5%

It may be useful to consider the overseas voting data from the few states that appear to have the highest compliance rate in reporting data to the EAC since 2004. Those states include Alaska, Florida, Minnesota, Ohio and Texas. This compliance suggests that their data is more complete and thus more useful when making assessments over time. Data for these five states are presented in Table 4.5, but for the sake of parity only reflect overseas voter turnout based on McDonald’s VEP population estimate.

**Table 4.5: Overseas Voter Turnout Based on the Most Compliant States**

	2004	2006	2008	2010
<b>Alaska</b>	20.9%	8.5%	19.1%	8.0%
<b>Florida</b>	26.6%	6.7%	21.0%	6.5%
<b>Minnesota</b>	16.1%	5.1%	16.2%	2.8%
<b>Ohio</b>	8.7%	3.8%	15.1%	2.1%
<b>Texas</b>	15.5%	4.8%	10.2%	3.2%

Based on this, HAVA appears to have improved turnout for overseas voters from the state of Ohio in 2008. However, this improvement could be attributed to the nature and competitiveness of the 2008 Presidential Election. Beyond this, there is no indication that the changes in the overseas absent voter rules as a result of HAVA and the MOVE Act have had any impact on overseas voter turnout. The durability of the turnout figures over the four election cycles, particularly for Alaska, Florida and Minnesota, are indicative of the failure of HAVA and the MOVE Act to influence overseas voter turnout to any degree. To be fair, an assessment of the impact of the MOVE Act will benefit from data for the next presidential election, but thus far any impact seems minuscule. What is more striking in viewing both the full voter turnout figures and the turnout figures from the most compliant states is the impact of low stimulus midterm elections on overseas voter turnout. This data seems to confirm the suspicions the EAC expressed retrospectively in their 2008 report, that being that a low stimulus election has a significant impact on overseas turnout, just as it does on turnout in the continental United States.<sup>120</sup> However, the extent of that decline is all the more significant considering the already paltry overseas turnout figures.

<sup>120</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*, p. 8.

One possible explanation for the low turnout in the UOCAVA community rests with the mobility issue and voter registration. Indeed, Wolfinger and Rosenstone suggest that the costs of voting found in the procedure of registration are more acutely felt by mobile populations like the UOCAVA community.<sup>121</sup> Certainly key stakeholder groups like Democrats Abroad (DA), Republicans Abroad (RA), and the Overseas Vote Foundation (OVF) have devoted a great deal of effort to assist with overseas voter registration, particularly because the EAC has appropriately recognised that ‘persons eligible for UOCAVA ballots move a great deal’.<sup>122</sup> But again, registration access has been markedly improved by HAVA and the MOVE Act. Perhaps more can be done to improve overseas voter registration, but it is unlikely this explanation can account for the large number of Americans residing abroad who seemingly do not register to vote in American elections.

An alternative explanation to account for low overseas voter turnout could be related to what Highton describes as the social disconnection that accompanies mobility.<sup>123</sup> This disconnection likely contributes to a lack of attention by political mobilisers, as Rosenstone and Hansen conclude that political elites focus their mobilisation efforts on people who have stronger community ties due to long residence.<sup>124</sup> This situation could be amplified by the geographic distances applicable to the UOCAVA community and surely the unfamiliar foreign locations of the individuals themselves. Given this, Cox’s perspective is that variations in the mobilisation incentive of political parties are key to explaining variations in turnout.<sup>125</sup> The incentive to engage in direct mobilisation efforts overseas is very low, which explains the increased activity of intermediary organisations who seek to mobilise the overseas voter, such as the OVF and ACA. This activity suggests that the UOCAVA voter is largely ignored by the political parties and the political candidates themselves, and that this lack of mobilisation has had a detrimental affect on overall UOCAVA voter turnout. Goodman and Murray further note that partisan cues play an important role in political heuristics and the lack of partisan cues

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<sup>121</sup> Wolfinger and Rosenstone, *Who Votes?* p. 54.

<sup>122</sup> United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*, p. 2.

<sup>123</sup> Highton, Benjamin. 2000. Residential Mobility, Community Mobility, and Electoral Participation. *Political Behavior*, 22(2), p. 110.

<sup>124</sup> Rosenstone and Hansen, *Mobilization, Participation and Democracy in America*. New York: Macmillan, pp. 164-65.

<sup>125</sup> Cox, Gary W. 1999. Electoral Rules and the Calculus of Mobilization. *Legislative Studies Quarterly*, 24(3), p. 411.

contributes to depressed turnout.<sup>126</sup> This explanation is all the more plausible given the dispersed nature of the UOCAVA population and the lack of party mobilisation that could facilitate partisan cues.

#### **4.7 Conclusion**

This chapter has assessed whether HAVA and the MOVE Act have improved voter turnout in the American overseas community. Key stakeholder groups have asserted that at least 25 percent of the UOCAVA community have been disenfranchised due to antiquated election policies. Because of this assertion, it was expected that an increase in voter turnout should be observed overall because of HAVA and the MOVE Act. Further, this change should be observed most acutely between the election years of 2008 and 2010 due to the specific changes contained in the MOVE Act. The evidence suggests neither HAVA nor the MOVE Act have had an impact on improving overseas voter turnout. Overall, UOCAVA turnout is painfully low, averaging just 12.7 percent for the 2008 Election and 3.4 percent for the 2010 Election utilising McDonald's VEP estimates. Even if we consider the most optimistic figures of overseas ballots transmitted to voters, the turnout only increases by an average of 5.1 percent. This raises questions about the extent of the effort to ensure the vote for the UOCAVA community. Indeed, while no specific figures are available, there is surely a high financial and administrative cost to administering the overseas vote which is difficult to square against extremely low overseas voter turnout.

Legislation directed at improving American overseas turnout makes an assumption that all Americans resident overseas should have the opportunity to vote. Despite HAVA and the MOVE Act creating a less restrictive administrative environment, it is clear that many Americans overseas do not take the opportunity to vote. The cost of voting for American citizens overseas has been detailed in great length in this chapter and has been deemed to be exceptionally high. Fiorina observes that when the costs associated with political participation are significantly demanding, only those willing and able to pay will be successful.<sup>127</sup> Fiorina further notes that increasingly, those people willing and able to pay the costs associated with political participation come disproportionately

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<sup>126</sup> Goodman, Craig and Murray, Gregg R. 2007. Do You See What I See? Perceptions of Party Difference and Voting Behavior. *American Politics Research*, 35(6), p. 908.

<sup>127</sup> Fiorina, Morris P. 1999. 'Extreme Voices: A Dark Side of Civic Engagement', in Skocpol, Theda and Fiorina, Morris P. (eds.), *Civic Engagement in American Democracy*. Washington, D.C.: Brookings Institute Press: p. 416.

from the ranks of those with intensely held political beliefs, and as will be seen in chapter five, a very select set of demographic characteristics.<sup>128</sup> This makes the discourse of overseas absent voting a recurring phenomenon. Those few individuals overseas who participate in the electoral system in the United States demand more liberalised rules to increase participation without ever realising that increased participation. This is not to discount the efforts of those with a strong belief in ensuring the franchise for all American citizens regardless of their geographic location. However, assuming the extensive disenfranchisement of Americans resident overseas because of systemic problems is misplaced.

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<sup>128</sup> Fiorina, 'Extreme Voices: A Dark Side of Civic Engagement', p. 416.

## Chapter 5: Political and Social Involvement of the UOCAVA Community

### 5.1 Introduction

Chapter four assessed the effectiveness of the Help America Vote Act of 2002 (HAVA) and the Military and Overseas Voter Empowerment Act of 2009 (MOVE) in improving overseas (UOCAVA) voter turnout. This assessment was informed by recent literature concerning the expected impact of relaxed voting policies and voter turnout.<sup>1</sup> Using population models and Election Assistance Commission (EAC) data, UOCAVA voter turnout was measured for all elections beginning with the 2004 General Election. An analysis of the turnout figures showed that despite efforts by Congress and key stakeholder groups to liberalise election administration procedures, participation by the UOCAVA community does not appear to have improved, and in fact remains very low. This outcome supports Norris' assertion that simply tinkering with administrative procedures will not produce long term improvements in voter turnout.<sup>2</sup> It was further argued in chapter four that it is unreasonable for key stakeholder groups to expect high levels of participation from the overseas population. Indeed, the International Institute for Democracy and Electoral Assistance (IDEA) indicates that globally, absent voters participate at a very low rate for seemingly non-structural reasons.<sup>3</sup> Some of these reasons for not participating may include the potential to inadvertently be subjected to other citizenship duties such as paying taxes, the lack of political mobilisation, or the social disconnection that accompanies the mobility associated with the overseas community. It is likely that long term or permanent overseas residents may feel detached or apathetic regarding political events in their home country and as a result, will not participate.<sup>4</sup>

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<sup>1</sup> See for example Hanmer, Michael J. 2007. An Alternative Approach to Estimating Who is More Likely to Respond to Changes in Registration Laws. *Political Behavior*, 29(1), pp. 1-30, Highton, Benjamin. 2000. Residential Mobility, Community Mobility, and Electoral Participation. *Political Behavior*, 22(2), pp. 109-120, Mitchell, Glenn E. and Wlezien, Christopher. 1995. The Impact of Legal Constraints on Voter Registration, Turnout and the Composition of the American Electorate. *Political Behavior*, 17(2), pp. 179-202, Wolfinger, Raymond E. and Rosenstone, Steven J. 1980. *Who Votes?* New Haven: Yale University Press and Wolfinger, Raymond E. and Hoffman, Jonathan. 2001. Registering and Voting with Motor Voter. *PS, Political Science and Politics*, 34(1), pp. 85-92.

<sup>2</sup> Norris, Pippa. 2004. *Electoral Engineering: Voting Rules and Political Behavior*. Cambridge: Cambridge University Press, p. 172.

<sup>3</sup> International Institute for Democracy and Electoral Assistance. 2007. *Voting from Abroad: The International IDEA Handbook*. Stockholm: IDEA, p. 30.

<sup>4</sup> International Institute for Democracy and Electoral Assistance, *Voting from Abroad: The International IDEA Handbook*, p. 33.

One factor that may be confounding the success of recent legislation directed at the UOCAVA community is the paucity of academic research regarding this group.<sup>5</sup> While there has been research conducted by key stakeholder groups, this research is frequently narrow in scope and purposely supportive of the key stakeholder agenda.<sup>6</sup> One example of this is the research from the Federal Voting Assistance Program (FVAP), whose remit is to disseminate voting information to the UOCAVA community and ensure that ‘military and overseas voters are able to cast a valid ballot’.<sup>7</sup> The FVAP has conducted several Department of Defense (DoD) mandated studies of UOCAVA voting behaviour to gauge its own effectiveness in exercising its official duties to the overseas community. For example, the findings of the 2004 FVAP study, which noted an unlikely overseas turnout rate in the 2004 General Election of 58%, was questioned by the United States General Accounting Office (GAO).<sup>8</sup> In subsequent studies, the FVAP has again been heavily criticised by the United States Government Accountability Office (GAO) for not releasing raw data or detailing its survey methodology to allow further evaluation of its findings.<sup>9</sup> Other key stakeholder groups, such as PEW, Democrats Abroad (DA) and the Overseas Vote Foundation (OVF), have also conducted research, although that research has focused on narrow issues like ballot transit times.<sup>10</sup> While these procedural issues have largely been addressed by recent legislation, there has not been any demonstrable improvement in UOCAVA turnout.

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<sup>5</sup> Hall, Thad. 2009. UOCAVA: A State of the Research. *Caltech/MIT Voting Technology Project*. VTP Working Paper Number 69.

<sup>6</sup> See in particular The Pew Center on the States. 2009. *No Time to Vote: Challenges Facing America’s Overseas Military Voters*. Washington, D.C.: The Pew Charitable Trusts, Smith, Claire. 2009. It’s in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting. ([www.overseasvotefoundation.org](http://www.overseasvotefoundation.org), 5 January 2010), and Gerken, Heather. 2009. *The Democracy Index: Why Our Election System is Failing and How to Fix It*. Princeton: Princeton University Press.

<sup>7</sup> The Federal Voting Assistance Program. 2010. *Strategic Plan for Fiscal Years 2010-2017*. Washington, D.C.: The Federal Voting Assistance Program, p. 2.

<sup>8</sup> Federal Voting Assistance Program. 2005. *The Federal Voting Assistance Program, 17<sup>th</sup> Report*. Washington D.C.: Department of Defense. For criticism of the FVAP see United States Government Accountability Office. 2006. *Elections: DOD Expands Voting Assistance to Military Absentee Voters, but Challenges Remain*. GAO-06-1134T. Washington, D.C.: United States Government Accountability Office, p. 10.

<sup>9</sup> Hall, UOCAVA: A State of the Research, p. 3. See also United States Government Accountability Office, *Elections: DOD Expands Voting Assistance to Military Absentee Voters, but Challenges Remain*, p. 10.

<sup>10</sup> The Pew Center on the States, *No Time to Vote: Challenges Facing America’s Overseas Military Voters*, Smith, It’s in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting, and Democrats Abroad. 2009. *Overseas Absentee Voting 2008 Review*. Washington, D.C.: Democrats Abroad.

The narrow research scope and perhaps self-serving research agenda concerning the UOCAVA community is further compounded by an overall lack of data regarding this group.<sup>11</sup> For example, American citizens residing overseas are not counted in the United States decennial census, and there are no plans in the future to count them due to cost and logistic considerations.<sup>12</sup> Additionally, while the American National Election Study (ANES) conducts extensive national surveys of the American electorate, the data set is derived solely from Americans residing in the continental United States. In this regard, UOCAVA research to date has not attempted to capture wider ranging data such as demographics, associational involvement or the political opinions and ideological self-identification of the overseas community like the ANES. These variables are all important determinants of the propensity to participate in the political process and could contribute to a more comprehensive understanding of this group.

This chapter aims to begin to fill this research gap by presenting the findings from the Americans Living Abroad (ALA) survey conducted in January 2009 for this thesis. The ALA survey results will offer a different perspective concerning the UOCAVA community that will enhance understanding of their turnout and participatory behaviour. The structure of this chapter will begin by assessing the broader significance of the variables of demographics, political attitudes, associational involvement and transnational activity to political participation. A brief discussion of survey methodology will be included, acting as a complement to the extended discussion of survey methodology in chapter one. This will be followed by an analysis of the ALA survey findings. To help direct this analysis, the chapter will consider the following questions:

1. What are the demographic characteristics of the UOCAVA community and do they differ from Americans living in the continental United States?
2. What are the political attitudes of the UOCAVA community and how do these differ from Americans living in the continental United States?

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<sup>11</sup> Hall, UOCAVA: A State of the Research, and Smith, Claire M. 2009. The Data Dilemma. *OVF Research Newsletter*, 1(2).

<sup>12</sup> United States Congress. Hearing Before the Subcommittee on the Census of the Committee on Government Reform, July 26, 2001. *Americans Abroad, How Can We Count Them?* Washington, D.C.: Government Printing Office, and United States Government Accountability Office. 2004. *2010 Census: Counting Americans Overseas as Part of the Census Would Not Be Feasible*. GAO-04-1077T. Washington, D.C.: United States Government Accountability Office.

3. What is the extent of individual integration into the receiving country as measured by associational involvement and levels of attachment and how might this activity impact on voter turnout?
4. What is the nature and extent of continuing contact with the United States as measured by traditional transnational activities and information acquisition?

The chapter will then conclude with a consideration of the larger implications of the ALA survey results.

## 5.2 Variables Affecting Political Participation

Previous studies of political behaviour have clearly established the relationship between demographic and socioeconomic variables and political participation in the United States. For example, Campbell, Converse, Miller and Stokes were the first to establish the relationship between voting behaviour in the United States and inherited partisan identification.<sup>13</sup> Verba and Nie's seminal study linked numerous demographic variables with the propensity to participate politically in the United States, finding that individuals with a high socioeconomic status are more likely to participate.<sup>14</sup> Nie, Verba and Petrocik considered partisan identification across multiple time series evaluations to assess the extent of electoral change in America from the 1950's to the 1976 Presidential Election.<sup>15</sup> They found that partisan identification was malleable to issue perception, particularly during the time period in question, yet still acted as an important factor in determining political participation.<sup>16</sup> More recent studies have continued in this tradition, relying heavily on demographic data collected by the American National Election Study (ANES) time series evaluations. For example, Conway analysed numerous demographic variables, including age, gender, race and partisan identification, in order to determine the cause of voter decline in the United States, noting that a changing age distribution in the United States was a likely culprit.<sup>17</sup> Goodman and Murray utilised partisan identification variables

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<sup>13</sup> Campbell, Angus, Converse, Philip, Miller, Warren and Stokes, Donald. 1960. *The American Voter*. New York: Wiley.

<sup>14</sup> Verba, Sydney and Nie, Norman H. 1972. *Participation in America*. New York: Harper Row.

<sup>15</sup> Nie, Verba and Petrocik, *The Changing American Voter*.

<sup>16</sup> Nie, Verba, and Petrocik, *The Changing American Voter*, p. 143.

<sup>17</sup> Conway, *Political Participation in the United States, Third Edition*, p. 40.

to assess the propensity to participate in the United States and found that individuals who lacked a partisan identification were more likely to abstain from voting.<sup>18</sup>

While there is extensive literature establishing the relationship between demographic and socioeconomic variables and participation in the United States, there have been no attempts to identify any relationship between these variables and UOCAVA political participation. However, many of the most prominent studies of political behaviour clearly have application to the overseas community. For example, in Wolfinger and Rosenstone's influential study, demographic characteristics were used to infer economic resources correlate with the relative capacity to bear the costs associated with voting.<sup>19</sup> They found that the 'cost' of voting is significantly reduced for individuals with high levels of education, and that income level impacts voter turnout only to the extent where a comfortable standard of living has been reached.<sup>20</sup> This could be highly relevant to the UOCAVA community due to the higher than average 'costs' associated with voting from overseas, compounded by the relative wealth that may be necessary to reside overseas successfully. Conway stresses the correlation between demographic characteristics and the flow of political information which stimulates political interest and activity.<sup>21</sup> In this regard, she highlights the importance of education in facilitating the development of the analytical skills necessary to successfully process political information.<sup>22</sup> However the flow of political information in the UOCAVA community is not straight forward due to geographic location, so any potential correlation must be predicated on the skills and resources required to access any political information. Verba, Schlozman and Brady discuss the civic skills required to successfully participate politically, and the environment most conducive to fostering those skills.<sup>23</sup> They highlight a unique set of participatory characteristics that differentiate participators from non-participators which could go some way to understanding any individual predisposition to UOCAVA participation. For example, the level of individual political interest, the availability of political information, the strength of partisanship and the perception of citizenship duties have a substantial effect

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<sup>18</sup> Goodman, Craig and Murray, Gregg R. 2007. Do You See What I See? Perceptions of Party Difference and Voting Behavior. *American Politics Research*, 35(6), pp. 905-931.

<sup>19</sup> Wolfinger and Rosenstone, *Who Votes?* p. 9.

<sup>20</sup> Wolfinger and Rosenstone, *Who Votes?* p. 34.

<sup>21</sup> Conway, *Political Participation in the United States, Third Edition*, p. 17.

<sup>22</sup> Conway, *Political Participation in the United States, Third Edition*, pp. 27-29.

<sup>23</sup> Verba, Schlozman and Brady, *Voice and Equality: Civic Voluntarism in American Politics*.

on the propensity to vote.<sup>24</sup> And Norris et al. note the relationship between certain demographic characteristics and attention to and use of political news when considering participative action.<sup>25</sup> Their findings indicate that age and partisan self-identification are the most important determinants concerning engagement with political news sources and any concomitant participation.<sup>26</sup> For the UOCAVA community any potential relationship in this area may be influenced by the nature and source of that political information which may reflect an alternative political discourse emanating from the host country.

Certainly, the use of demographic information in political research is extensive, however this practice is not universally accepted. Fiorina suggests the use of socioeconomic variables as predictors of participation is misplaced, noting that the desire to participate politically is not randomly dispersed through the population, and thus not accurately measured through random sampling.<sup>27</sup> As such, utilising demographic data from surveys based on random sampling does not accurately reflect the makeup of the population, leading to some groups being overrepresented or underrepresented. This situation may manifest itself in the UOCAVA population as despite efforts to increase participation, it appears participation is limited to a select group that may reflect a unique set of demographic and socioeconomic characteristics that are not generalisable to the entire UOCAVA population. Indeed, if we believe the overseas population estimates, optimistically only about 20 percent of the UOCAVA population participate in the political process. Given this, Fiorina's additional assertion is illuminating as he points out that participation now takes the form of ideological activists drawn disproportionately from the extremes of the opinion distribution.<sup>28</sup> According to Fiorina, this limits the explanatory power of traditional demographic associations drawn from random samples.<sup>29</sup> While Fiorina's assertions suggest an increasing importance in the role of political attitudes and

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<sup>24</sup> Verba, Schlozman and Brady, *Voice and Equality: Civic Voluntarism in American Politics*, p. 363.

<sup>25</sup> Norris, Pippa, Curtice, John, Sanders, David, Scammell, Margaret and Semetko, Holli A. 1999. *On Message. Communicating the Campaign*. London: Sage Publications, p. 90-94.

<sup>26</sup> Norris, Curtice, Sanders, Scammell and Semetko, *On Message. Communicating the Campaign*, p. 90-94.

<sup>27</sup> Fiorina, Morris P. 2002. 'Parties, Participation, and Representation in America: Old Theories Face New Realities' in Katznelson, Ira and Milner, Helen (eds.), *Political Science: The State of the Discipline*. New York: Norton, p. 530.

<sup>28</sup> Fiorina, Morris P. 1999. 'Extreme Voices: A Dark Side of Civic Engagement', in Skocpol, Theda and Fiorina, Morris P. (eds.), *Civic Engagement in American Democracy*. Washington, D.C.: Brookings Institute Press, p. 410.

<sup>29</sup> Fiorina, 'Extreme Voices: A Dark Side of Civic Engagement', p. 410.

opinions, Conway adds that these are learned predispositions.<sup>30</sup> However, Jennings and Markus note that the durability of any learned predispositions can be challenged by increasing levels of partisanship associated with increasing age.<sup>31</sup> The durability of political attitudes and opinions may be further challenged by the detachment associated with geographic location and any alternative political discourse in the host country. Manza and Brooks extend this assertion noting the especially significant impact of social attitudes on the recent political (re)alignment of middle aged professionals to the left of the ideological spectrum.<sup>32</sup> While Norris notes the correlation of strong political self-identification with a robust sense of partisanship and the likelihood of participating in political activity, she further comments that strong partisan attitudes are correlated with other demographic characteristics making it difficult to disentangle any cause and effect relationship.<sup>33</sup> It is likely, as Norris points out, that attitudes and opinions and certain traditional demographic characteristics such as education and income level act in a reciprocal fashion when assessing the propensity to participate politically.<sup>34</sup> There is no reason to believe that this is not the case with the UOCAVA community.

Morales and Geurts note that associational involvement, such as participation in voluntary organisations, sports clubs and other social networks, is an important indicator of an individual's propensity to participate politically.<sup>35</sup> Verba et al. concur, noting that formal involvement in non political institutions serve to enhance political participation by contributing to the development of a variety of skills and social networks that make participation easier, and indeed more likely.<sup>36</sup> The civic skills obtained in the non political institutions of adult life are seen as intrinsic to political participation.<sup>37</sup> McClurg adds that informal social interaction in non political institutions exposes individuals to political

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<sup>30</sup> Conway, *Political Participation in the United States, Third Edition*, p. 61.

<sup>31</sup> Jennings, M. Kent and Markus, Gregory B. 1984. Partisan Orientations over the Long Haul: Results from the Three-Wave Political Socialization Panel Study. *The American Political Science Review*, 78(4), p. 1008.

<sup>32</sup> Manza, Jeff and Brooks, Clem. 1999. *Social Cleavages and Political Change: Voter Alignment and U.S. Party Coalitions*. Oxford: Oxford University Press, pp. 75-77.

<sup>33</sup> Norris, *Electoral Engineering: Voting Rules and Political Behavior*, p. 141.

<sup>34</sup> Norris, *Electoral Engineering: Voting Rules and Political Behavior*, p. 141.

<sup>35</sup> Morales, Laura and Geurts, Peter. 2007. 'Associational Involvement', in van Deth, Jan W., Montero, Jose Ramon, and Westholm, Anders (eds.), *Citizenship and Involvement in European Democracies: A Comparative Analysis*. Abingdon: Routledge, p. 135.

<sup>36</sup> Verba, Schlozman and Brady, *Voice and Equality: Civic Voluntarism in American Politics*, p. 157.

<sup>37</sup> Brady, Verba and Schlozman, *Beyond SES: A Resource Model of Political Participation*, p. 273.

information from the surrounding social environment.<sup>38</sup> This is particularly relevant to the UOCAVA community as associational involvement, while potentially influencing the propensity to participate politically, also contributes to ongoing informal contact with native residents in the host country. This supports social integration, yet may simultaneously influence the nature of the individual's political involvement based on an alternative social environment.<sup>39</sup> Indeed, the degree to which an individual is involved in associations and the extent of their social networks is cited as being dependent on their level of social integration, so the two factors are mutually reinforcing.<sup>40</sup> Iglie et al. summarise this line of enquiry succinctly, noting that social networks affect the way people participate in politics, so a greater understanding regarding the nature and extent of these networks could contribute to a greater understating regarding the nature of political participation by the UOCAVA community.<sup>41</sup>

Finally, there is a new and growing literature exploring the transnational political activity of migrant groups.<sup>42</sup> This is relevant to this thesis as the act of voting in your home country whilst residing in another country is an example of transnational political activity. The concept of transnationalism and transnational migration originated from the work by Glick Schiller, Basch and Szanton-Blanc.<sup>43</sup> While there have been many competing conceptions regarding the nature of transnationalism, Glick Schiller et al. provide the conceptual foundation:

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<sup>38</sup> McClurg, Scott D. 2003. Social Networks and Political Participation: The Role of Social Interaction in Explaining Political Participation. *Political Research Quarterly*, 56(4), p. 450.

<sup>39</sup> Snel, E., Engbersen, G. and Leerkes, A. 2006. Transnational Involvement and Social Integration. *Global Networks*, 6(2), p. 301.

<sup>40</sup> Badescu, Gabriel and Neller, Katja. 2007. Explaining Associational Involvement in van Deth, Jan W., Montero, Jose Ramon, and Westholm, Anders. (eds.), *Citizenship and Involvement in European Democracies: A Comparative Analysis*. Abingdon: Routledge, p. 161.

<sup>41</sup> Iglie, Hajdeja and Fabregas, Joan Font. 2007. 'Social Networks', in van Deth, Jan W., Montero, Jose Ramon, and Westholm, Anders. (eds.), *Citizenship and Involvement in European Democracies: A Comparative Analysis*. Abingdon: Routledge, p. 188.

<sup>42</sup> See for example Snel, Engbersen and Leerkes, Transnational Involvement and Social Integration, Glick Schiller, N. Basch, L. and Szanton-Blanc, C. 1992. *Towards a Transnational Perspective on Migration: Race, Class, Ethnicity and Nationalism Reconsidered*. New York: New York Academy of Sciences, Portes, Alejandro. 2001. Introduction: The Debates and Significance of Immigrant Transnationalism. *Global Networks*, 1(3), pp. 181-193, Ostergaard-Nielson, Eva K. 2001. *The Politics of Migrants Transnational Political Practices*. Working Paper Transnational Communities Programme WPTC-01-22, London: London School of Economics, Croucher, Sheila. 2009. Migrants of Privilege: The Political Transnationalism of Americans in Mexico. *Identities: Global Studies in Culture and Power*, 16(4), pp. 463-491, and Croucher, Sheila. 2011. The Nonchalant Migrants: Americans Living North of the 49<sup>th</sup> Parallel. *International Migration and Integration*, 12(2), pp. 113-131.

<sup>43</sup> Glick Schiller, Basch and Szanton-Blanc, *Towards a Transnational Perspective on Migration: Race, Class, Ethnicity and Nationalism Reconsidered*.

Transnational migration is a pattern of migration in which persons, although they move across international borders, settle, and establish relations in a new state, maintain ongoing social and political connections with the polity from which they originated.<sup>44</sup>

Clearly the UOCAVA community is composed of transnational migrants who satisfy Glick Schiller's conceptualisation due to their attempts to maintain ties with the United States. The transnational activities conducted by this group contribute to their adaptation in their receiving country and also ensure these continuing ties. Portes further notes that transnational activity and the transnational networks that form as a result of this activity are associated with a more secure economic and legal status in the receiving country, and is highlighted by longer periods of overseas residency and high levels of dual citizenship.<sup>45</sup> As Ostergaard-Nielsen notes, for the sending country governments, their migrants have become increasingly important not only as sources of remittances, investment and political contributions, but as potential ambassadors of national interests abroad.<sup>46</sup> This point was confirmed in the historiography of the extension of voting rights for overseas American citizens in chapter three, as well as from recent data assessing American political contributions emanating from outside the United States provide in chapter four. Certainly by quantifying the incidence of common transnational activities in the UOCAVA community, our understanding of the political activity and social involvement of this group will be enhanced.

### **5.3 Survey Methodology**

An extended discussion regarding the survey design, sample selection, survey administration and survey limitations is presented in chapter one. However, it is worth reiterating several key points concerning the survey methodology. This research was interested in capturing a range of demographic data that is commonly used in political research and the use of a survey seemed most appropriate in fulfilling this task. As De Vaus

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<sup>44</sup> Glick Schiller, Basch and Szanton-Blanc, *Towards a Transnational Perspective on Migration: Race, Class, Ethnicity and Nationalism Reconsidered*, p. 344.

<sup>45</sup> Portes, Introduction: *The Debates and Significance of Immigrant Transnationalism*, p. 189.

<sup>46</sup> Ostergaard-Nielsen, *The Politics of Migrants Transnational Political Practices*, p. 2.

notes, survey research is well suited to provide this type of quantitative information.<sup>47</sup> The decision to attempt to survey the UOCAVA community via the internet was driven by a number of factors. And while other possible modes of data collection such as postal questionnaires or face to face interviews were considered, these were not selected due to feasibility, access and cost of administration. Concerning the use of internet surveys, Couper and Miller add that because internet survey facilities are inexpensive, widely available and quick at delivering results, research agendas have expanded to include niche topics like UOCAVA political participation that may not, and indeed could not, have been considered in prior research schemes.<sup>48</sup> The globally dispersed nature of the UOCAVA community made collecting data via an internet based questionnaire the logical choice.

The internet has particular characteristics that present significant challenges to conducting research. The most notable is the potential for coverage bias related to internet access. The potential for bias based on internet access was considered in this research, however an assumed higher internet access rate was expected in this population due to their dispersed geographic location and assumed high socioeconomic status. Ensuring a random sample is also problematic when conducting internet based surveys. However De Vaus notes that the size of the population from which a sample is drawn is largely irrelevant to the accuracy of the sample, rather it is the absolute size of the sample that is important.<sup>49</sup> Ensuring a representative sample is also problematic in this scenario, as frankly, because of a lack of data no one knows what a representative sample of the American overseas population would look like. De Vaus notes again however that the internet can be a very effective means of obtaining a representative sample of a specific population group such as the UOCAVA community.<sup>50</sup> Survey sampling problems can also be overcome by replication, and while true replication in surveys is problematic, this is less so in this case when considering the extent of similarity to other related survey attempts.<sup>51</sup> There is also the familiar concern regarding low response rates associated with surveys, particularly internet surveys. However Kaplowitz, Hadlock, and Levine note that a web survey application can

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<sup>47</sup> De Vaus, David. 2002. *Surveys in Social Research, 5<sup>th</sup> Edition*. London: Routledge, p. 5.

<sup>48</sup> Couper, Mick P. and Miller Peter V. 2008. Web Survey Methods. *Public Opinion Quarterly*, 72(5), p. 2.

<sup>49</sup> De Vaus, *Surveys in Social Research, 5<sup>th</sup> Edition*, p. 81.

<sup>50</sup> De Vaus, *Surveys in Social Research, 5<sup>th</sup> Edition*, p. 79.

<sup>51</sup> Wright, Kevin B. 2005. Researching Internet-Based Populations: Advantages and Disadvantages of Online Survey Research, Online Questionnaire Authoring Software Packages, and Web Survey Services. *Journal of Computer-Mediated Communication*, 10(3), article 11.

achieve a comparable response rate to a mail hard copy questionnaire when both are preceded by an advance mail notification.<sup>52</sup> This procedure was followed when administering this survey, although other survey administration problems discussed in chapter one most likely had an impact on response rates. Kaplowitz et al. further assert that the anonymous environment of the internet mediates the tendency for respondents to provide socially desirable answers, thereby improving the accuracy of the data set.<sup>53</sup>

The homogeneity of the respondent group largely derived from Democrats Abroad (DA) creates some problems for the generalisability of the data across the entire UOCAVA population. However some observations can be made regarding the sample. As noted in chapter one, the respondent size for this survey is 701, with a survey completion rate of 95.3 percent, which equates to a sampling error of 3.7 percent at a 95 percent confidence level assuming a heterogeneous population, and a smaller sampling error of 2.2 percent assuming 90 percent homogeneity within the population.<sup>54</sup> This allows a good degree of generalisability to individuals affiliated with DA, however generalisability across the entire UOCAVA population is problematic, but not statistically impossible. Because the only possibility of deriving a sample for this research was through non-probability sampling techniques, it is not possible at this time to obtain a data set that can be fully generalised to the UOCAVA population. However, as Fiorina has suggested, political participation is not randomly dispersed throughout the population making the explanatory potential of random sampling techniques ineffective.<sup>55</sup> As an extension to Fiorina's point, by utilising non-probability sampling techniques to identify overseas organisations whose memberships are likely to participate politically, the explanatory potential of the ALA data is enhanced. Further, there may be an element of self-selection bias in the survey, although self-selection bias is a problem in most surveys. Considering the accessibility issues related to this survey discussed in chapter one, it is likely that highly motivated individuals completed this survey which could result in extreme or strong perspectives being overrepresented. However, individuals with strong opinions or substantial knowledge relevant to the subject

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<sup>52</sup> Kaplowitz, Michael D., Hadlock, Timothy D., and Levine, Ralph. 2004. A Comparison of Web and Mail Survey Response Rates. *Public Opinion Quarterly*, 68(1), p. 99.

<sup>53</sup> Kaplowitz, Hadlock and Levine, A Comparison of Web and Mail Survey Response Rates, p. 99.

<sup>54</sup> De Vaus, *Surveys in Social Research, 5<sup>th</sup> Edition*, p. 82.

<sup>55</sup> Fiorina, 'Extreme Voices: A Dark Side of Civic Engagement', p. 410.

of a survey are generally more motivated to participate in survey research. As a result, issues of sample bias and generalisability are not unique to this survey.

#### **5.4 Survey Results and Discussion**

The presentation of the majority of the survey data will be structured around the four questions presented at the beginning of this chapter that consider the demographics, political attitudes, associational involvement, and transnational activity of the UOCAVA community. However, several pieces of data provide greater clarity concerning the overall nature of the survey sample and are useful to consider prior to the presentation of the bulk of the survey data. While the UOCAVA community is comprised of both military personnel and overseas civilians, the overwhelming majority of respondents to this survey come from the civilian population. Indeed, only .4 percent of respondents noted they were on active duty in the military at the time of administering the survey. Further, 96.4 percent of respondents noted they had voted in the 2008 Presidential Election. Even considering the likelihood of overreporting of voting behaviour, the result suggests the ALA sample is very politically active to a much higher degree than their continental counterparts. For example, according to McDonald's optimistic voting eligible population (VEP) figures, voter turnout in the continental United States in the 2008 Presidential Election was only 61.6 percent.<sup>56</sup>

The ALA survey also contained questions relating to the systemic particulars of the registration and voting process for the UOCAVA community. As noted in chapter one, questions related to systemic difficulties were placed in the ALA survey largely as a validation and replication exercise to other key stakeholder group surveys in order to safeguard against falsification. Systemic problems in the UOCAVA voting process have been the focus of key stakeholder groups in their attempts to influence legislative change. Through these efforts, key stakeholder groups have asserted that at least 25 percent of UOCAVA voters have been disenfranchised due to antiquated election policies. The ALA survey findings concur that there are systemic weaknesses in the UOCAVA voting process and suggest the potential for a disenfranchisement rate of 25 percent, but the exact rate of

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<sup>56</sup> McDonald, Michael, 2010. 2000-2010 General Election Turnout. *United States Elections Project*. (<http://elections.gmu.edu/index.html>, 10 August 2012).

disenfranchisement can not be determined from the ALA survey data. As detailed in Table 5.1, of those respondents that reported they had to register to vote for the 2008 Presidential Election, 13.5 percent reported some difficulty in the registration process. And as shown in Table 5.2, 12.7 percent of all respondents reported some difficulty in the voting process. The reported difficulties in the voter registration and voting processes are highly varied, reflecting the unique situation of UOCAVA voters. However, when viewing these two results, it is important to remember this cohort is derived almost exclusively from Democrats Abroad (DA), an organisation that facilitates voting and voter registration for its members, as well as any American citizen resident overseas who requests assistance. The voter assistance provided by DA could significantly mitigate the impact of procedural difficulties in the UOCAVA voting process leading to a smaller incidence of disenfranchisement in this cohort. Given this, the level of reported voting and voter registration problems is still remarkably high and suggests that key stakeholder assertions of a 25 percent disenfranchise rate are certainly not unreasonable. The results also reflect a seemingly limitless variety of potential difficulties in the UOCAVA voting process that are unlikely to be corrected by legislation alone. As discussed in chapter four, the legislative initiatives that were thought to be the panacea for UOCAVA voting difficulties have not significantly improved UOCAVA voter turnout. Given the variety of reported problems in the ALA survey, it is easy to see why this is the case.

Table 5.1: UOCAVA Reported Voter Registration Difficulties n = 188

I was unable to obtain material to register to vote	3.7
My registration material was not received by my state of legal residence	4.3
My registration material was not accepted by my state of legal residence	2.7
I had to travel to another location to obtain my registration material	1.6
I had to have witnesses in order to register to vote	3.7
I had to have registration material notarized	3.2
I had to send my registration material to multiple places	.5
The US Consulate was unable to assist me	.5
I did not know how to fill out the registration material/too complicated	3.7
I had to register in my parents state of residence, not my own state of residence	.5

Table 5.2: UOCAVA Reported Voting Difficulties n = 569

I was unable to obtain material to vote	4.2
I had to travel to another location to obtain material to vote	.9
While living abroad, I had to travel to another location to cast my ballot in the 2008 Presidential Election	1.8
I had to have witnesses in order to vote	6.3
I had to have voting material notarized	1.2
Ballot arrived late or never arrived	2.5
Multiple ballots were received	.4
I had to return my ballot to multiple locations	.2
Problems with foreign and domestic postal services including postage and ballot design	.7
My ballot was held at customs	.4
Completing the steps required is too complicated/ I did not understand	1.2
Problems with registration prevented me from voting	.4
I was refused assistance from the U.S. Consulate	.2

#### **5.4.1 What are the demographic characteristics of the UOCAVA community and do they differ from Americans living in the continental United States?**

Previously in this chapter, the use of demographic and socioeconomic variables was cited as an important method in describing and predicting political participation. The importance of extending this type of analysis to the UOCAVA community was highlighted because of the lack of academic research in this area, as well as the ability of demographic variables to enhance understanding of participatory behaviour. In order to fill this research gap, collecting basic UOCAVA demographic information through the ALA survey was a primary objective. While the generalisability of the demographic data is extremely useful concerning American Democrats residing overseas, it is not statistically impossible to generalise to the American overseas population as well. This is particularly true when considering the similarities of the ALA data set to much larger data sets that contain a large overseas population sample.<sup>57</sup> A second focus of the ALA survey was to ascertain in so far as possible the global distribution of the UOCAVA community, as well as the distribution of the group by state of absent voter registration in the United States. This data was important not only to define the nature of the sample, but to contribute to the discussion

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<sup>57</sup> See for example the demographic data found in Overseas Vote Foundation. 2011. *2010 OVF Post Election UOCAVA Survey Report and Analysis*. Arlington: Overseas Vote Foundation, pp. 9-10.

about the global location of the UOCAVA community. To date, no one knows this information definitively. The ALA survey data concerning the global distribution of the UOCAVA community was broad and exceeded expectations. Respondents came from 64 countries and 47 states in the United States, with the top ten of each category shown in Tables 5.3 and 5.4 respectively. A similar pattern of global distribution has been observed in much larger data sets from key stakeholder groups, particularly the OVF, which enhances the veracity of the this research.<sup>58</sup> For this comparison, the 2008 OVF data is used.<sup>59</sup>

Table 5.3: UOCAVA Top Ten Home States of Voter Registration

Home State of Voter Registration	ALA Survey	OVF
	n = 690 %	n = 24,031 %
California	12.3	14.1
New York	11.0	12.6
Pennsylvania	5.9	4.1
Illinois	5.4	3.8
Florida	4.6	4.7
Massachusetts	4.3	3.7
Texas	4.3	8.6
Maryland	3.5	
New Jersey	3.5	3.7
Ohio	3.3	3.3
Minnesota		3.3

<sup>58</sup> See for example Overseas Vote Foundation. 2009. *2008 OVF Post Election UOCAVA Survey Report and Analysis*. Overseas Vote Foundation, Smith, Claire M. 2010. *These are our Numbers: Civilian Americans Overseas and Voter Turnout*. *OVF Research Newsletter*, 2(4), and Smith, Claire. 2011. *2010 Post Election Overseas and Military Voter Survey: Summary of Results, All Respondents*. (Personal Communication, 23 January 2011). Similar information is contained in United States Election Assistance Commission. 2007. *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Survey Report Findings*. September 2007. Washington, D.C.: United States Election Assistance Commission, United States Election Assistance Commission. 2009. *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings*, November 2009. Washington, D.C.: United States Election Assistance Commission and United States Election Assistance Commission. 2011. *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations*, October 2011. Washington, D.C.: United States Election Assistance Commission.

<sup>59</sup> Overseas Vote Foundation, *2008 OVF Post Election UOCAVA Survey Report and Analysis*.

Table 5.4: UOCAVA Top Ten Countries of Residence

Country of Residence	ALA Survey	OVF
	n = 665 %	n = 24,031 %
Canada	20.5	14.0
United Kingdom	14.1	13.0
France	7.2	6.0
Germany	5.9	8.0
Australia	4.5	4.0
Mexico	4.1	
Italy	3.5	3.0
Spain	3.3	
Japan	3.0	3.0
Netherlands	3.0	
Israel		5.0
Switzerland		4.0
China		2.6

The collection of basic demographic data was largely achieved as demonstrated in Table 5.5, but with one major caveat. This is the bias of the data set towards the organisation Democrats Abroad. As such, while it is statistically possible to generalise the data to the American overseas population, it is most appropriate and insightful to compare the data with the demographic data of self-identified Democrats residing in the United States. To obtain the relevant data concerning the demographic characteristics of Democrats residing in the United States, the American National Election Study (ANES) time series data file for the year 2008 was used.<sup>60</sup> This most closely approximates the same time period of the survey for this thesis. The ANES data set proved to be an extremely comprehensive and reliable data set when considering specific demographic variables. ANES demographic data was filtered using respondents self-identified party affiliation to ensure any comparisons involved only respondents who self-identified as Democrat.<sup>61</sup>

<sup>60</sup> American National Election Study. 2011. *ANES 2008 Time Series Cumulative Data File*. ([http://electionstudies.org/studypages/download/online\\_analysis.htm](http://electionstudies.org/studypages/download/online_analysis.htm), 26 October 2011).

<sup>61</sup> American National Election Study, *ANES 2008 Time Series Cumulative Data File*.

Table 5.5: Comparison of Demographic Variables: Democrats in the United States and Democrats Residing Abroad

Demographic Variable	Democrats in the United States	Democrats Residing Abroad
	ANES 2008 Time Series Data File minimum n = 782 %	ALA Survey minimum n = 693 %
Male	37.9	32.9
Female	62.1	67.1
18-24	9.1	3.4
25-34	16.9	12.6
35-44	15.8	19.5
45-54	21.2	20.7
55-64	17.5	23.2
Over 65	19.3	20.5
White	65.3	93.2
Black	24.7	2.0
Other	9.9	4.8
Married	46.2	59.5
Never Married	23.8	14.3
Divorced	13.0	12.6
Separated	4.4	1.7
Widowed	10.5	2.3
Living with Partner	2.0	9.6
Grades 0-8	4.1	0.0
High School Diploma	41.2	2.1
Some College No Degree	24.8	8.6
College or Advanced Degree	29.9	89.3

There are several observations that can and should be made regarding this comparison. The age distribution of Democrats residing abroad reflects a more middle aged population rather than the younger age distribution seen in Democrats residing in the United States. Ethnic self-identification is distinctly different in the data sets, with Democrats residing abroad being almost exclusively white. Marital status is distinctly different between the cohorts, with Democrats abroad more likely to be in ‘partner’ relationships. This may be reflective of more liberal environments that recognise alternative relationships more readily than many states in the United States. Additionally, there are more ‘married’ Democrats residing abroad than in the continental United States. With regard to educational attainment, Democrats residing overseas are a relatively highly educated cohort. This education result in particular reflects a population that has the tools available to mitigate any costs associated with political participation. The cumulative data however may also be suggestive

of the attributes necessary to successfully reside abroad. Whether these demographic characteristics are shared by the larger population of Americans residing abroad or other political party representation abroad, while statistically possible, is not clear. However the collective effective of this set of demographic characteristics certainly supports Croucher's contention that 'as migrants, Americans proceed from a relatively unique position of cultural, political and economic privilege'.<sup>62</sup>

An individual's occupation can be suggestive of their economic capacity to bear the costs associated with political participation. As noted previously in chapter one in the extended discussion of survey methodology, the ALA survey question regarding occupation was open ended. This was because there was no evidence available related to UOCAVA occupation distribution, and as a result it was desirable to capture the full range of responses. This data was then manually coded utilising the United States Department of Labor Occupational Classification System.<sup>63</sup> This classification system is comprehensive, including the classifications of homemakers, students and retired individuals, all categories significantly represented in the ALA survey. The occupation question in the 2008 ANES survey was also open ended. However, according to the ANES, the 2008 occupational banding data remains confidential and access to this data was restricted at the time of completion of this thesis.<sup>64</sup> As such, at this time no meaningful comparison is possible. Despite this, several observations can be made. Most notable in the cohort is the prominence of academic occupations. This distinct feature supports the high education levels of the group and most likely reflects a global higher education sector that relies heavily on a mobile talent pool. This also suggests again that this group has the tools available to overcome any costs associated with political participation. Surprisingly there were a large proportion of self-identified retired individuals in the ALA survey cohort which appears to support Croucher's assertion that there are increasing numbers of Americans who are choosing to retire overseas.<sup>65</sup> Croucher suggests this increase appears

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<sup>62</sup> Croucher, *The Nonchalant Migrants: Americans Living North of the 49<sup>th</sup> Parallel*, p. 116.

<sup>63</sup> United States Department of Labor. 2009. *Standard Occupational Classification*. ([http://www.bls.gov/soc/major\\_groups.htm](http://www.bls.gov/soc/major_groups.htm), 26 October 2009).

<sup>64</sup> American National Election Study, *ANES 2008 Time Series Cumulative Data File*.

<sup>65</sup> Croucher, *Migrants of Privilege: The Political Transnationalism of Americans in Mexico*, p. 471.

to be driven not only by preferable climates, but better access to social services, particularly universal health care systems that are prominent in European countries as well as Canada.<sup>66</sup>

Table 5.6: Occupational Banding n = 689

United States Department of Labor Occupational Banding <sup>67</sup>	ALA Survey %
Academic	22.9
Retired	17.6
Arts, Design, Entertainment, Sports and Media	10.4
Management	8.6
Healthcare	5.2
Business and Finance	5.2
Government and Public Sector	4.9
Student	4.1
Computer and Mathematical	3.5
Homemaker	3.2
Self Employed	2.9
Office and Administrative Support	2.3
Life, Physical and Social Science	2.0
Architecture and Engineering	1.6
Service Sector	1.5
Legal	1.3
Unemployed	1.2
Sales	.9
Clergy	.6
Construction	.1

<sup>66</sup> Croucher, *The Nonchalant Migrants: Americans Living North of the 49<sup>th</sup> Parallel*, p. 118-120.

<sup>67</sup> United States Department of Labor, *Standard Occupational Classification*.

In this regard, it is important to note about ten percent of respondents to the ALA survey noted the availability of affordable health care, concerns about the costs of residing in the United States, or more favourable financial circumstances overseas as a factor in choosing to live overseas.

#### **5.4.2 What are the political attitudes of the UOCAVA community and how do these differ from Americans living in the continental United States?**

Most of what happens in United States politics is described in terms of liberalism or conservatism, and as such, questions relating to these conceptions are common in surveys that attempt to capture the political attitudes of Americans.<sup>68</sup> The Americans Living Abroad (ALA) survey wanted to replicate this approach by using the same liberal conservative self-identification question used by the ANES. This would allow a like to like comparison of the two data sets to determine differences between Americans in the United States and Americans outside of the United States. Further, in collaboration with the OVF, the same liberal conservative self-identification question was included in their 2010 Post Election Survey.<sup>69</sup> However, the OVF has subsequently requested that those findings be removed from this thesis.<sup>70</sup> As was the case when considering demographic variables, the filter variable for party self-identification was used in the 2008 ANES survey data set to limit the comparison to only those individuals who self-identified as Democrats in the United States. The result of this comparison shown in Table 5.7 presents with extreme variations. For example, 74.8 percent of Democrats residing overseas self-identify as either ‘very liberal’ or ‘liberal’ compared to 35.8 percent of Democrats residing in the United States. However what is most striking is the number of respondents noting their political self-identification as ‘extremely liberal’. Because of the survey bias to Democrats Abroad, this is a highly significant result that clearly differentiates Democrats residing overseas with Democrats in the United States. However, this result may be a product of self-selection bias resulting in data reflecting individuals with strong opinions or predispositions.

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<sup>68</sup> Flanigan, W.H. and Zingale, N.H., 1994. *Political Behavior of the American Electorate*. 8<sup>th</sup> Edition. Washington D.C.: Congressional Quarterly Press, p. 109.

<sup>69</sup> Smith, 2010 *Post Election Overseas and Military Voter Survey: Summary of Results, All Respondents*.

<sup>70</sup> On 18 February 2012, a draft of this chapter was forwarded to Dr. Claire Smith of the Overseas Vote Foundation in order to facilitate a collaborative publishing opportunity. On 29 February 2012, I received an email from Dr. Smith requesting the OVF survey data regarding the political self-identification of respondents to their 2010 Post Election Survey be removed from the chapter.

Table 5.7: Comparison of Liberal Conservative Self-Identification

	2008 ANES Time Series n = 1612 %	ALA Survey n = 695 %
Extremely (Very) Liberal	7.7	30.2
Liberal	28.1	44.6
Slightly Liberal	18.5	11.7
Moderate: Middle of the Road	28.8	8.8
Slightly Conservative	9.1	1.4
Conservative	6.3	1.3
Extremely (Very) Conservative	1.6	.1

Table 5.8 presents a comparison of liberal conservative party identification. Democrats residing overseas perceive the Republican Party in an extreme way, but their own party is seen as broadly more liberal than the perception of their Democratic counterparts in the United States. One possible explanation is given by the Pew Research Center.<sup>71</sup> They note that political party identification underwent a significant shift between the 2004 and 2008 elections, with Democrats gaining a nine point advantage over the Republicans.<sup>72</sup> However, this observation does not explain why this shift occurred or why Democrats overseas seem to perceive things so differently than their continental counterparts. Simon Zschirnt offers one potential explanation for this result, observing that recent trends in political self-identification suggest that hostility towards conservatism and the rise of the New Right have become an important source of liberal self-identification that extends to perceptions of the political parties.<sup>73</sup> This point is strengthened due to the nature of the political environment in the United States at the time of the survey, and the deep unpopularity of George W. Bush, particularly outside of the United States. This hostility could be further amplified by an alternative political discourse in the country of residence. Dagevos and Ode

<sup>71</sup> Pew Research Center for the People and the Press. 2008. Likely Rise in Voter Turnout Bodes Well for Democrats. (<http://people-press.org/report/?pageid=1340>, 6 November 2009).

<sup>72</sup> Pew Research Center for the People and the Press, Likely Rise in Voter Turnout Bodes Well for Democrats.

<sup>73</sup> Zschirnt, Simon. 2011. The Origins and Meaning of Liberal/Conservative Self Identifications Revisited. *Political Behavior*, 33(4), pp. 688-689.

extend this point noting that an alternative political discourse can lead to the endorsement of alternative political ideas and values represented in the receiving country and not represented in the country of origin.<sup>74</sup> If the migrant has continuing contact with an alternative political discourse, and indeed contact with an alternative political system, their liberal conservative self-identification could be attuned towards the ideology of the receiving country. This could then extend to perceptions of the political parties.

Table 5.8: Comparison of Liberal Conservative Party Identification

	Democratic Party Liberal/ Conservative Identification		Republican Party Liberal/ Conservative Identification	
	ANES 2008 <sup>75</sup> n = 2100 %	ALA Survey n = 669 %	ANES 2008 <sup>76</sup> n = 2092 %	ALA Survey n = 666 %
Extremely (Very) Liberal	8.3	2.8	8.3	.3
Liberal	26.7	28.8	8.1	.2
Slightly Liberal	21.6	41.9	10.2	0.0
Moderate: Middle of the Road	17.6	19.3	9.0	.3
Slightly Conservative	10.0	3.6	31.0	2.4
Conservative	9.5	1.0	27.0	24.9
Extremely (Very) Conservative	6.3	.1	27.0	69.8

Academic literature regarding the acquisition and retention of political attitudes throughout an individual's life is extensive. For example, Alwin and Krosnick note that peoples' attitudes are shaped by socialisation experiences early in adulthood and remain relatively resistant to change after this time.<sup>77</sup> Jennings and Markus add that between the mid-twenties and mid-thirties a variety of political and sociopolitical attitudes are firmly

<sup>74</sup> Dagevos, J. 2001 and Ode, A. 2002. cited in Snel, E., Engbersen, G. and Leerkes, A. 2006. Transnational Involvement and Social Integration. *Global Networks*, 6(2), p. 287.

<sup>75</sup> American National Election Study, *ANES 2008 Time Series Cumulative Data File*.

<sup>76</sup> American National Election Study, *ANES 2008 Time Series Cumulative Data File*.

<sup>77</sup> Alwin, Duane F. and Krosnick, Jon A. 1991. Aging, Cohorts, and the Stability of Socio-political Orientations Over the Life Span. *American Journal of Sociology*, 97(1), p. 170.

established.<sup>78</sup> Regardless of established political attitudes in adulthood, parental and familial influence on an individual's political preferences continues to play a significant role in adulthood, albeit a somewhat diminished role.<sup>79</sup> However the extent of that influence for the overseas community may be confounded by other factors unique to this group. For example, there may be an element of detachment due to geographic location that contributes to divergent or diminished affiliation to parental or familial political preferences in the United States. This difference could be further aggregated by exposure to varying and different political events, and different interpretations of those events, outside of the country of origin. A variation in life experience that residing in a foreign country could offer could also confound any differences. Indeed, political attitudes formed later in life are less symbolic and more responsive to political events, events that may have a distinctly different interpretation in a foreign country.<sup>80</sup>

Table 5.9 illustrates the variation of political views between family and friends in the country of residence and the United States. Of particular interest is the potential for, and extent of, variation of political views between respondent in the receiving country and family in the United States. Concerning family residing in the United States, 65.9 percent of respondents noted some difference in political views, and 28.9 percent of respondents said that this difference was significant. What is an important adjunct to consider however is the number of respondents that said that political, ideological and personal differences, such as recognition of same sex relationships, were a push factor when relocating from the United States, although those differences were not necessarily attributed to a family difference.<sup>81</sup>

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<sup>78</sup> Jennings, M. Kent and Markus, Gregory B. 1984. Partisan Orientations over the Long Haul: Results from the Three-Wave Political Socialization Panel Study. *The American Political Science Review*, 78(4), p. 1016.

<sup>79</sup> Niemi, Richard and Jennings, M. Kent. 1991. Issues and Party Identification in the Formation of Party Identification. *American Journal of Political Science*, 35(4), p. 970.

<sup>80</sup> Niemi and Jennings, Issues and Party Identification in the Formation of Party Identification, p. 970.

<sup>81</sup> 13.1 percent of respondents noted a personal, political or ideological factor contributing to their decision to reside overseas. Concerning same sex relationships, this particular group of individuals collectively refer to themselves as 'love exiles'. Love Exiles. 2011. *Stories of Love Exiles*. (<http://www.loveexiles.org/stories.htm>, 5 June 2011). My thanks to Dr. Claire Smith for further information concerning this cohort.

Table 5.9: Variation of Familial Political Views n = 698

	<b>We share the same views</b> %	<b>Sometimes we have different views</b> %	<b>There are important differences in our views</b> %
Family in resident country	37.0	30.9	10.9
Family residing in the United States	28.5	37.0	28.9
Friends in resident country	29.2	56.7	11.7
Friends residing in the United States	27.9	50.1	19.5

Concerning the frequency of political discussions occurring at home during childhood, 51.9 percent of respondents said this occurred everyday or very often as shown in Table 5.10. This finding supports the literature that reports a relationship between the frequency of political discussion during childhood and a propensity to participate politically as an adult. For example, McIntosh et al. note that children who discuss politics and current events with their parents develop higher levels of political knowledge and show greater intention to vote as adults.<sup>82</sup> Iglie and Font further note that political discussion during childhood years contributes to an increasing level of political interest, which in turn affects future political discussion and participation in adulthood.<sup>83</sup> The data from the ALA survey confirms these findings with 78.7 percent of respondents reporting a very high level of political interest as shown in Table 5.11, and a strong correlation between the two variables as shown in Table 5.12.

Table 5.10: Frequency of Political Discussions n = 679

<b>Everyday</b>	<b>Very Often</b>	<b>Occasionally</b>	<b>Rarely</b>	<b>Never</b>
14.6 %	37.3 %	29.7 %	15.6 %	2.8 %

Table 5.11: Interest in Politics n = 677

<b>Very Interested</b>	<b>Fairly Interested</b>	<b>Not Very Interested</b>	<b>Not At All Interested</b>
78.7 %	20.1 %	1.2 %	0.0 %

<sup>82</sup> McIntosh, Hugh, Hart, Daniel and Youniss, James. 2007. The Influence of Family Political Discussion on Youth Civic Development: Which Parent Qualities Matter? *PS: Political Science*, 40(3), p. 495.

<sup>83</sup> Iglie and Fabregas, 'Social Networks', p. 209.

Table 5.12: Correlation between Frequency of Political Discussions and Interest in Politics

	Frequency of Political Discussions
Interest in Politics	.273**

\*\*Significant at the 0.01 level (2-tailed)

At the time of administering this survey, there was heightened political tension overseas due to the foreign policies of George W. Bush. Because of this, it was thought that potential respondents to the survey may have experienced anti-American sentiment. It was also suspected that potential respondents may not have wanted to identify themselves as an American residing overseas. Both of these factors could impact participation and cause a potential voter to remain anonymous and not participate. Snel et al. elaborate on the importance of outward expressions of social identity, noting that they facilitate an understanding of how an individual defines themselves within their environment, and further provide an insight into the level of integration into the host country.<sup>84</sup> Denial of a social identity could suggest behaviour that is counterintuitive to positive social integration, although conversely could be a necessary adaptive behaviour in the host country in times of political tension. The results shown in Table 5.13 are compelling. The findings show that 50.7 percent of respondents have experienced anti-American sentiment at some point, and 21.2 percent have encountered this a great deal. Interestingly, the highest incidence of anti-American sentiment was reported by Americans resident in Canada.<sup>85</sup> Considering comfort in self-identifying as an American residing overseas, 40.3 percent of respondents said they were uncomfortable identifying themselves as American, and 20.4 percent said they were very uncomfortable. Again, the highest proportion of respondents who were very uncomfortable identifying themselves as American were resident in Canada, with the lowest proportion, or those who expressed being very comfortable identifying themselves as American, were resident in Israel.<sup>86</sup> This suggests a very problematic situation when considering whether an individual has successfully integrated into a host society and may go some distance in explaining the extreme liberal conservative self-identification discussed earlier. While it is probable the UOCAVA community is more liberal than their continental American counterparts, there may be an element of adaptation in their self-

<sup>84</sup> Snel, Engbersen and Leerkes, *Transnational Involvement and Social Integration*, p. 285-290.

<sup>85</sup> 51.4 percent of Canadians reported encountering anti-American sentiment occasionally and 29.4 percent of Canadians reported encountering anti-American sentiment a great deal.

<sup>86</sup> 21.3 percent of Canadians reported feeling very uncomfortable identifying themselves as American while 38.5 percent of Israelis reported feeling very comfortable identifying themselves as American.

identification that fosters successful integration into the host country. This may be particularly true in countries that hold alternative political views concerning the United States.

Table 5.13: Incidence of Anti-American Sentiment and American Self-Identification

	<b>Incidence of Anti-American Sentiment n = 671 %</b>		<b>Comfort Self-Identifying as American n = 668 %</b>
I have encountered this a great deal	21.2	I have felt very comfortable	15.1
I have encountered this occasionally	50.7	I have felt somewhat comfortable	13.8
I have encountered this very little	21.0	I have felt neither comfortable or uncomfortable	10.5
I have never encountered this	6.9	I have felt somewhat uncomfortable	40.3
I don't know	0.3	I have felt very uncomfortable	20.4

It was illuminating to consider who reported experiencing anti-American sentiment, as well as who reported discomfort when self-identifying as an American residing abroad. When conducting a simple bivariate correlation between select variables, Table 5.14 shows that gender and length of residency correlate most strongly with the reporting of these experiences. Conversely, those respondents who had higher levels of political efficacy and feelings that the Federal Government is responsive to Americans residing abroad were less likely to report experiencing these types of negative experiences. This result goes some way in explaining the low participation rates in the UOCAVA community as individuals may seek to remain anonymous because of heightened political tensions or negative feelings towards the United States in their country of residence. However, positive political perceptions regarding political efficacy and responsiveness of the Federal Government appear to have a diminutive effect on the reporting of these incidents. This suggests that if an individual holds negative feelings overall about the United States, they are likely to be more sensitive to negative experiences related to their national self-identification.

Table 5.14: Correlations Concerning the Incidence of Anti-American Sentiment and American Self-Identification

	Have experienced Anti-American sentiment while residing abroad	Have been uncomfortable identifying as an American while residing abroad
Male	-.101**	-.096*
Female	.107**	.101**
Responsiveness of Federal Government	-.071	-.079*
Political Efficacy of Americans Resident Overseas	.019	-.099**
Over 8 Years of Residency Overseas	.110**	.078*

\*\*Significant at the 0.01 level (2-tailed)

\*Significant at the 0.05 level (2-tailed)

Many people believe they have a moral obligation to vote. This feeling is often expressed as a citizenship duty and is succinctly described by Blais as an ethical judgment that voting is right and not voting is wrong.<sup>87</sup> Verba et al. note that among variables such as the level of individual political interest, the availability of political information, and the strength of partisanship, the perception of citizenship duties has a substantial effect on the propensity to vote.<sup>88</sup> Blais concurs, noting that among those with a strong sense of civic duty, the great majority vote, and the few that abstain do so for apparently idiosyncratic reasons.<sup>89</sup> However, expressing a moral obligation to vote may instead reflect conformity to a social norm rather than a personal belief, although evidence suggests that people genuinely believe it would be wrong not to vote and are less concerned about maintaining their own reputations.<sup>90</sup> Because of the strong correlation between voting behaviour and perceptions of civic duty, it was important to determine the extent of the feeling of voting as a duty, particularly considering the very high reported voting history of the cohort shown in Tables 5.15 for the last two Presidential elections and Table 5.16 reflecting general voting history.

<sup>87</sup> Blais, Andre. 2000. *To Vote or Not to Vote: The Merits and Limits of Rational Choice Theory*. Pittsburgh, University of Pittsburgh Press, p. 93.

<sup>88</sup> Verba, Schlozman and Brady, *Voice and Equality: Civic Voluntarism in American Politics*, p. 363.

<sup>89</sup> Blais, *To Vote or Not to Vote: The Merits and Limits of Rational Choice Theory*, p. 103.

<sup>90</sup> Blais, *To Vote or Not to Vote: The Merits and Limits of Rational Choice Theory*, p. 112.

Table 5.15: Self Reported Voting History for the 2004 and 2008 Presidential Elections

	2004 Presidential Election n = 679 %	2008 Presidential Election n = 668 %
Yes, I voted	84.1	96.4
No, I did not vote	15.3	3.6

Table 5.16: Self Reported General Voting History n = 679

	Always	Nearly always	Part of the time	Seldom	Never
How often would you say you vote in United States Elections? %	56.7	28.0	7.4	6.8	1.2

As Table 5.17 highlights, respondents' perception of duty to vote is very high. This finding supports Blais and Verba et al., and is particularly significant considering the seemingly complicated process of voting from abroad. This suggests that the feeling of a moral obligation to vote is a strong condition for participation by the overseas community and goes some way to ameliorate the difficult process of voting from abroad. However, the ALA survey also wanted to explore whether there was any difference in the perception of the moral obligation to vote in general versus the moral obligation to vote from overseas. As shown in Table 5.17, the difference between feelings of the moral obligation to vote generally versus feelings of the moral obligation to vote from overseas is about five percent. The exact nature of this difference is unclear, but likely reflects an ongoing debate concerning the indefinite extension of the franchise to Americans overseas, particularly Americans who have not lived in the United States for an extended period of time. At issue is whether an individual should vote in an election when the outcome of that election has very little impact on the individual due to their geographic location outside of the continental United States. However, as the data related to the incidence of anti-American sentiment and comfort in self-identifying as an American while residing abroad suggests, the impact of American politics on the American overseas community is not incidental. Indeed, the ALA findings suggest the consequences of American politics on the overseas community are distinctly different, and in some cases very negative, than in the continental United States. While this situation could diminish feelings of the moral obligation to vote, thereby reducing the likelihood of political participation, it is possible for some, this

situation could reinforce feelings of the moral obligation to vote and increase participation, for example by compelling American overseas voters to vote in order to promote change and potentially reduce the level of adverse impact on their lives overseas. Further, as Blais points out, we should not expect those that think of voting as a moral duty to calculate benefits and costs.<sup>91</sup> Rather, those with a strong sense of duty almost always vote regardless of the obstacles. This reasoning may go some way in explaining why the overall turnout figures from overseas, while somewhat stable, have not increased despite the legislation intended to reduce the perceived ‘costs’ of voting. The distinction between voters and non voters may simply reflect a perceived sense of moral obligation to vote.

Table 5.17: Feelings of Duty to Vote

	Duty to vote in every national election? n = 673 %	American citizens residing abroad and duty to vote in every national election? n = 676 %
Yes	94.1	89.2
No	5.9	10.8

#### **5.4.3 What is the extent of individual integration into the receiving country as measured by associational involvements and levels of attachment?**

Morales and Geurts note that involvement in associations is related to democratic attitudes, participatory behaviour and knowledge about issues of public interest.<sup>92</sup> As the majority of respondents to this survey voted in the 2008 Presidential Election, understanding their associational involvement could be instructive regarding identifying any relationship to electoral behaviour. Further, associational involvement can also indicate the extent of social and cultural integration into the receiving country and provides a glimpse into the lives of the overseas community.<sup>93</sup> To begin, this discussion will first consider the degree to which UOCAVA individuals are involved in associations located in the receiving country. Respondents were asked to indicate all the ways in which they were involved in fourteen types of associations located in their country of residence. Table 5.18 presents this

<sup>91</sup> Blais, *To Vote or Not to Vote: The Merits and Limits of Rational Choice Theory*, p. 113.

<sup>92</sup> Morales and Geurts, ‘Associational Involvement’, p. 135.

<sup>93</sup> Snel, Engbersen and Leerkes, *Transnational Involvement and Social Integration*, p. 301.

information, and also includes a measurement of the extent of involvement in the activity. This methodology replicates the Citizenship and Involvement in European Democracies (CID) research project in which Morales and Geurts aggregate responses such that ‘active member’ represents someone who is a member of a particular association and participates or volunteers in that same association, and an ‘activist member’ represents someone who is a member of a particular association, participates or volunteers in that same association, and donates to that association.<sup>94</sup>

Several interesting points emerge from this measurement. Considering access to the ALA survey was through the Democrats Abroad (DA) website, it is noteworthy to observe that only 60.3 percent of respondents indicate they are a member of a U.S. political party overseas. There may be several possible explanations for this. On the one hand, DA focused significant effort in getting out the vote for the 2008 General Election. This finding suggests they were successful in this mobilisation effort, but perhaps not as focused on increasing party membership. On the other hand, this may suggest that an individual identifies with the Democratic Party, but does not want to become a member. This interpretation is reflective of an overall decline in party affiliation that is being observed globally in that individuals may look to a party for information, but not officially join a party. However there is a larger incidence of active and activist members in this association than any other association. This suggests that a high number of individuals who are members of an American political party overseas, or specifically Democrats Abroad, are active and entrenched members in that association.

We can get a further impression of the breadth of associational involvement for each form of involvement as shown in Table 5.19 by counting the total number of types of associations in which the respondents are engaged, as well as considering the varying types of engagement. A larger range of associational involvement suggests more extensive integration into the receiving country as well as potentially higher levels of interaction and contact with the indigenous people. This activity could potentially influence political attitudes and orientations, which subsequently could influence participatory behaviour. As shown in Table 5.19, on average, respondents are members of 2.5 associations, but are

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<sup>94</sup> Morales and Geurts, ‘Associational Involvement’, p. 142.

actively involved to a lesser degree and have a network of friends that marginally exceeds the average number of association memberships.

Table 5.18: Frequency, Type and Pattern of Associational Involvement outside the United States n = 692

	Member %	Participate or Volunteer %	Donate %	Have Friends in Organisation %	Active Member* %	Activist Member** %
Sports or Outdoor Activity Clubs	20.4	15.2	1.7	25.3	5.7	.9
Youth, Student or Parent Organisations	11.6	17.5	5.9	18.9	7.1	2.6
Citizen Groups	21.1	19.7	24.6	29.0	8.1	5.6
Charity or Social Welfare Organisations	15.0	21.2	37.9	23.6	7.6	5.4
Organisations for Medical Patients, the Disabled or Specific Illnesses	6.1	7.7	18.1	15.0	1.4	1.3
Pensioners or Retired Persons Organisations	7.9	4.9	1.9	11.1	2.0	.9
U.S. Political Party Representation Abroad	60.3	29.6	19.2	23.6	18.5	10.4
Trade Unions, Business or Employer Organisations	17.6	7.7	2.3	16.2	4.0	1.3
Professional or Women's Associations	30.6	18.1	6.5	20.8	11.8	4.0
Cultural, Musical, Dancing or Theatre Societies	23.6	24.1	10.5	26.3	9.4	4.7
Resident Housing or Neighbourhood Association	16.5	13.0	2.5	11.7	6.8	2.0
Ethnic Minority Organisations	2.5	3.3	1.4	10.3	1.1	.9
Religious or Church Organisations	18.2	16.0	11.7	21.8	8.7	7.1
Veterans or Military Organisations	1.4	.7	.1	5.3	.1	.3

\*'Active member' represents someone who is a member of a particular association and participates or volunteers in that same association

\*\*'Activist member' represents someone who is a member of a particular association, participates or volunteers in that same association, and donates to that association.

When considering the CID study which utilises this same breadth of associational measurement, the level of associational involvement for the ALA survey group is in the middle range. Denmark has the highest membership score of 3.3 and a participation score of 1.5, while Russia and Romania have the lowest membership score of .3 and the lowest participation score of .2 along with Moldova. The highest donation score is Switzerland at

2.2, and the lowest is again Russia, Romania and Moldova at .1. It is important to note that other factors like geographic location and detachment surely affect UOCAVA individuals in terms of their associational involvement. These factors may not affect individuals resident in the countries in the CID study. However the extent or indeed direction of any potential impact is not clear.

Table 5.19: Breadth of Associational Involvement outside the United States

Membership		Participate or Volunteer		Donate		Have Friends in Organisation	
Mean	S.D	Mean	S.D.	Mean	S.D.	Mean	S.D.
2.50	2.016	1.96	2.006	1.43	1.714	2.56	2.932
95% Confidence Interval of the Difference in Mean <sup>95</sup>							
Lower	Upper	Lower	Upper	Lower	Upper	Lower	Upper
2.35	2.64	1.81	2.11	1.30	1.55	2.34	2.77

The maximum value of any type of involvement is 14.

Additional insight into the associational involvement of this group can be gained by comparing results with the United States Citizenship, Involvement and Democracy Survey (USCID).<sup>96</sup> This survey was conducted in 2005 and attempted to replicate questions from the CID project on which the survey for this thesis was largely based.<sup>97</sup> The intent of the USCID survey was somewhat broader however, and attempted to consider the extent that citizens participate in both the public and private sphere. The associational involvement questions differ however between the two survey instruments. Firstly, the type of associations represented in the USCID survey varies slightly from those in the CID survey and this survey. Secondly, the types of involvement categories vary such that only the category ‘member’ can be utilised for this comparison. Nevertheless, the comparison,

<sup>95</sup> It should be noted by conducting a more stringent One Sample T Test at a 95 percent confidence interval, the lower and upper boundaries of the mean are defined with only a five percent probability that the population mean lies outside these boundaries.

<sup>96</sup> The United States ‘Citizenship, Involvement, Democracy’ (CID) Survey. 2005. *Results*. Washington, D.C.: Georgetown University. (<http://www8.georgetown.edu/centers/cdacs/cid/results.htm>, 11 November 2011).

<sup>97</sup> The European CID study and survey were chosen as a model for this research because supervision was provided for this thesis by a faculty member associated with that project. As a result, there was more familiarity with the survey instrument used for the CID project, which informed the construction of the survey for this thesis.

which involves only those associations that are consistent across the surveys, is illuminating.

Table 5.20: Comparison of Associational Involvement outside the United States to USCID

	ALA Survey n = 694 %	USCID n = 1001 %
Sports or Outdoor Activity Clubs	20.4	13.0
Youth, Student or Parent Organisations	11.6	7.0
Charity or Social Welfare Organisations	15.0	7.0
U.S. Political Party	60.3	10.0
Trade Unions, Business or Employer Organisations	17.6	12.0
Cultural, Musical, Dancing or Theatre Societies	23.6	9.0
Resident Housing or Neighbourhood Association	16.5	7.0
Ethnic Minority Organisations	2.5	1.0
Religious or Church Organisations	18.2	24.0
Veterans or Military Organisations	1.4	4.0

The comparison clearly shows that ALA respondents are far more involved in associations, with the exception of religious or church organisations and veterans and military organisations, than their continental counterparts. This comparison can be further extended by noting that if a comparison was conducted between USCID and CID, the continental United States would place on the lower end of the scale of associational involvement. This suggests that the extent to which Americans overseas engage in a higher level of associational involvement than their continental counterparts can be attributed to a different cultural predisposition to involvement in associations present in the country of resident. This is because ALA respondents are more similar to CID respondents than to USCID respondents. It may be that for an American to be successful at residing in a foreign country, they may find it necessary to adapt to the cultural norms and practices of that country that may require more extensive associational involvement. Another interesting observation when comparing CID to USCID concerns the decline in associational

involvement and social capital in the United States as described by Putnam in his influential book 'Bowling Alone'.<sup>98</sup> This assertion does not have the same salience when considering Americans resident abroad, suggesting an alternative dynamic in the behaviour of this group compared to their continental counterparts.

Levels of attachment to the United States and the receiving country were explored to gain a greater understanding of the level of integration into the receiving country. Snel et al. note that feelings of attachment correlate with an individual's self perceived identity within their community.<sup>99</sup> They conceptualise this measurement as transnational identification, that being the degree to which an individual orients themselves towards the norms and values of a particular group or country.<sup>100</sup> Given this definition, a higher attachment level to the resident country would have a diminutive effect on an individual's orientation to the norms and values of the United States, which in turn could impact the level and nature of electoral participation. Table 5.21 shows higher levels of attachment to the resident country throughout the cohort. By computing Likert scale variables, an additive attachment index was created that was more useful in this analysis.<sup>101</sup> These findings support some of the survey findings presented earlier, including the distinct liberal conservative self-identification, variation in political views of family and friends, and associational involvement levels, suggesting that respondents are more attuned to the norms and values of the resident country rather than the United States.

Table 5.21: Attachment Distribution by Cumulative Quartile and Location

	Values 1-10 Low Attachment	Values 11-20 Low/Mid Attachment	Values 21-30 Mid/High Attachment	Values 31-40 High Attachment
Attachment to the U.S.	13.8%	23.7%	32.0%	29.7%
Attachment to the Receiving Country	5.6%	15.5%	37.2%	35.2%

*Minimum n = 666, maximum attachment level over all attachment areas is 40*

<sup>98</sup> Putnam, Robert D. 2000. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon and Schuster.

<sup>99</sup> Snel, Engbersen and Leerkes, *Transnational Involvement and Social Integration*, p. 289.

<sup>100</sup> Snel, Engbersen and Leerkes, *Transnational Involvement and Social Integration*, p. 290.

<sup>101</sup> Pollock, Philip H. III. 2005. *An SPSS Companion to Political Analysis, Second Edition*. Washington, D.C.: CQ Press, p. 67.

#### **5.4.4 What is the nature and extent of continuing contact with the United States as measured by traditional transnational activities and information acquisition?**

Glick Schiller's work with various immigrant groups provided a preliminary definition of transnational activity, noting that immigrant transnational activities were focused on maintaining social connections with the country of origin.<sup>102</sup> Since this initial work conceptualised transnational activity, the literature exploring and identifying immigrant transnational activities has expanded significantly and become more refined.<sup>103</sup> This change can largely be attributed to addressing what Portes describes as an enthusiastic exaggeration in the scope of occurrence of transnational activity on the part of qualitative researchers, and subsequent attempts to more accurately quantify the occurrence of this type of activity.<sup>104</sup> This refinement has produced significant literature that more accurately reflects the incidence of this type of activity, yet focuses almost exclusively on displaced and disadvantaged immigrant groups negotiating highly developed capitalist societies. Thus far, work on transnational activity is limited to displacement. Accordingly, it is probable that the transnational activities of the UOCAVA community will be distinct from the displaced. Research regarding the transnational activities of American's residing abroad is rare, although not nonexistent. Snel et al. quantified the incidence of the most common transnational activities of 300 immigrants from six countries living in the Netherlands, including 50 immigrants from the United States.<sup>105</sup> However, the findings presented in this research are the most extensive and original to date concerning the transnational activity of Americans resident abroad and take the literature of transnational activity into a new area.

Portes notes that transnational activity can be conceptualised as a form of economic, political or cultural adaptation into a receiving country that facilitates successful integration.<sup>106</sup> There is no reason to doubt that the UOCAVA community participates in

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<sup>102</sup> Glick Schiller, Basch and Szanton-Blanc, *Towards a Transnational Perspective on Migration: Race, Class, Ethnicity and Nationalism Reconsidered*.

<sup>103</sup> Snel, Engbersen and Leerkes, Transnational Involvement and Social Integration, pp. 285-308, Glick Schiller, Basch and Szanton-Blanc, *Towards a Transnational Perspective on Migration: Race, Class, Ethnicity and Nationalism Reconsidered*, Portes, Introduction: The Debates and Significance of Immigrant Transnationalism, pp. 181-193, Ostergaard-Nielson, *The Politics of Migrants Transnational Political Practices*, Croucher, Migrants of Privilege: The Political Transnationalism of Americans in Mexico, pp. 463-491, Croucher, The Nonchalant Migrants, pp. 118-120.

<sup>104</sup> Portes, Introduction: The Debates and Significance of Immigrant Transnationalism, p. 182.

<sup>105</sup> Snel, Engbersen and Leerkes, Transnational Involvement and Social Integration, pp. 285-308.

<sup>106</sup> Portes, Introduction: The Debates and Significance of Immigrant Transnationalism, p. 188.

this type of activity to facilitate successful integration into a receiving country as well. Portes notes that individuals who engage in transnational activities are more likely to reside in the receiving country for longer periods of time and possess dual citizenship, thereby increasing integration and stability across both sending and receiving countries.<sup>107</sup> The data shown in Table 5.22 supports the assertion of longevity of residence. Additionally, despite the United States discouraging dual citizenship, 38.8 percent of respondents said they had dual citizenship.<sup>108</sup> Indeed, when conducting a simple bivariate correlation of the two variables ‘dual citizenship’ and ‘more than eight years of residency’, the correlation is .351 which is significant at the .01 level, suggesting a strong relationship between longevity of residence and the occurrence of dual citizenship. Further, while the discourse regarding transnational activity frequently highlights global capitalism’s need for cheap labour, there does appear to be an alternative dialogue. The higher education sector relies heavily on overseas immigrant talent, and the highly educated are a mobile, high end migrant group that are represented heavily in this cohort.

Table 5.22: Years Lived in Current Country n = 665

Less than one year %	1-2 years %	2-3 years %	3-4 years %	4-5 years %	5-6 years %	6-7 years %	7-8 years %	More than 8 years %
3.9	6.9	7.7	6.2	5.3	3.6	4.4	3.0	59.1

Building on Snel et al.’s study, the survey attempted to quantify the incidence of eight specific transnational activities aimed at the United States. This typology follows Al-Ali, Black and Koser who distinguish between transnational activities directed at the country of origin and those directed at the host country.<sup>109</sup> Following this typology, the activities were both economic and social in nature, including assisting family in the United States financially i.e. remittances, sending goods to family in the United States i.e. other remittances, owning property in the United States, contributing to charities in the United States, being a shareholder in a company based in the United States and conducting trade

<sup>107</sup> Portes, Introduction: The Debates and Significance of Immigrant Transnationalism, p. 188.

<sup>108</sup> United States Department of State. 2011. *US State Department Services Dual Nationality*.

([http://travel.state.gov/travel/cis\\_pa\\_tw/cis/cis\\_1753.html](http://travel.state.gov/travel/cis_pa_tw/cis/cis_1753.html), 24 October 2011).

<sup>109</sup> Al-Ali, N. Black, R. and Koser, K. 2001. Refugees and Transnationalism: the Experience of Bosnians and Eritreans in Europe. *Journal of Ethnic and Migration Studies*, 27(4), p. 619.

with a company based in the United States. Further, the extent of annual travel to the United States for personal or family reasons was quantified, as well as the extent of annual travel to the United States for business reasons. Both the frequency of transnational activity by type and the breadth of cumulative transnational activity are shown in Tables 5.23 and 5.24 respectively. Frequency of travel to the United States for personal and business reasons is shown in Table 5.25.

Table 5.23: Frequency of Transnational Activity by Type n = 662

<b>Help family in the U.S. financially</b>	<b>Send goods to family in the U.S.</b>	<b>Own property in the U.S.</b>	<b>Contribute to charities in the U.S.</b>	<b>Shareholder in U.S. companies</b>	<b>Conduct trade with U.S. businesses</b>
22.5 %	21.5 %	18.0 %	40.9 %	38.7 %	16.3 %

Table 5.24: Breadth of Transnational Activity n = 662

<b>One Activity</b>	<b>Two Activities</b>	<b>Three Activities</b>	<b>Four Activities</b>	<b>Five Activities</b>	<b>Six Activities</b>
25.4 %	21.4 %	13.4 %	6.4 %	2.1 %	.7 %

The findings show that 25.4 percent of respondents report participating in at least one transnational activity, with contributing to charities based in the United States the most frequent activity. A surprisingly large percentage of respondents indicate they help family members in the United States financially. The traditional discourse concerning this type of transnational activity focuses on remittances, although the exact nature of this reported financial assistance is unclear. What is striking is the vast majority of respondents travel to the United States annually to visit and maintain contact with family and/or friends. This result is similar to Snel et al. who found that 86 percent of respondent Americans residing in the Netherlands visit family or friends annually. They also noted that U.S. respondents

have intensive contact with family and friends in the United States on average at least once a week.<sup>110</sup>

Table 5.25: Frequency of Travel to the United States by Type

	<b>On average, less than once a year</b>	<b>Once a year</b>	<b>Twice a year</b>	<b>Three times a year</b>	<b>Four times a year</b>	<b>Over four times a year</b>	<b>Never</b>
<b>Travel to the U.S. for family or personal reasons n = 660</b>	27.0 %	33.0 %	20.2 %	7.1 %	3.5 %	5.9 %	3.3 %
<b>Travel to the U.S. for business reasons n = 663</b>	18.7 %	11.5 %	5.1 %	2.4 %	1.5 %	2.3 %	58.5 %

Considering the breadth of transnational activity and supporting Portes' cautionary position on the overall incidence of transnational activity, there are strong correlations between each type of transnational activity as shown in Table 5.26. This suggests that individuals who take part in one transnational activity are likely to take part in other transnational activities. This finding suggests that overall, individual involvement in transnational activities is limited to a select group of individuals. In an attempt to determine what groups are most involved in the particular transnational activities, the strength of the statistical relationship between various demographic variables and the specific transnational activities was explored using simple bivariate correlations. Further, the statistical relationship between the frequency and type of annual travel to the United States and the various transnational activities was explored as it was thought that the greater frequency of intensive 'in person' contact with the United States, the more likely it was to find participation in transnational activities. Those correlations that are statistically significant are shown in Table 5.27.

<sup>110</sup> Snel, Engbersen and Leerkes, *Transnational Involvement and Social Integration*, p. 293.

Table 5.26: Correlation between Types of Transnational Activity

	Send family goods	Own property	Contribute to U.S. charities	Own U.S. shares	Trade in U.S.
Help family financially	.250**	.220**	.139**	.178**	.078*
Send family goods		.084*	.103**	.053	.119**
Own property			.234**	.217**	.154**
Contribute to U.S. charities				.256**	.172**
Own U.S. shares					.111**

\*\*Significant at the 0.01 level (2-tailed)

\*Significant at the 0.05 level (2-tailed)

The findings in Table 5.27 show that younger age groups are less likely to engage in transnational activity, particularly economic activities that are normally achieved later in life such as owning shares or property. The age group 55-64 is more extensively involved in transnational activity, particularly owning property in the U.S. As expected, the over 65's own shares in U.S. companies and a similar result is found when considering those respondents who identified themselves as being retired. This result corresponds logically with Croucher's assertion that the number of U.S. retirees living abroad is increasing rapidly and most certainly reflects transnational retirement income streams.<sup>111</sup> With regard to occupational classifications, only the top five occupational categories were considered in this analysis because the number of respondents in the alternative categories prevented meaningful bivariate analysis.

<sup>111</sup> Croucher, *Migrants of Privilege: The Political Transnationalism of Americans in Mexico*, p. 471.

Table 5.27: Significant Correlations between Transnational Activity and Demographic and Frequency and Type of Travel Variables

	Cumulative transnational activity	Help family in the U.S. financially	Send goods to family in the U.S.	Own property in the U.S.	Contribute to charities in the U.S.	Shareholder in U.S. companies	Conduct trade with U.S. businesses
<b>18-24</b>	-.107**	-.079*				-.094*	
<b>25-34</b>	-.106**	-.123**		-.080*		-.117**	
<b>55-64</b>	.121**	.087*		.149**			
<b>Over 65</b>			-.097*			.116**	
<b>Academics</b>	-.082*			-.104**		-.104**	-.094*
<b>Retirees</b>						.100**	
<b>Management</b>						.090*	
<b>Arts and Media</b>							.103*
<b>Dual Citizen</b>	.090*			.106**			.091*
<b>High School</b>	-.088*					-.092*	
<b>BA Degree</b>						-.079*	
<b>MA Degree</b>			-.079*			.079*	
<b>Professional Degree</b>	.096*		.101**				
<b>PhD</b>	.123**	.085*	.096*	.081*	.095*		
<b>Travel 1x year</b>				-.090*			-.082*
<b>Travel 2x year</b>	.186**	.095*		.101**	.139**	.154**	
<b>Travel 3x year</b>	.128**	.112**				.093*	
<b>Travel 4x year</b>	.114**			.109**	.100**		.077*
<b>Travel over 4x year</b>	.125**	.087*		.139**		.074*	
<b>Business travel 1x year</b>	.118**		.075*		.091*	.117**	
<b>Business travel 2x year</b>	.208**	.110**		.128**	.134**	.091*	.161**
<b>Business travel 3x year</b>	.098**					.102**	
<b>Business travel 4x year</b>	.088*						.115**
<b>Business travel over 4x year</b>	.111**			.169**	.045		.101**

\*Significant at the 0.05 level (2-tailed)

\*\*Significant at the 0.01 level (2-tailed)

While it was expected that the business and financial sector, as well as the management sector, would reflect higher levels of transnational activity, the relationships were surprisingly weak and not significant. This is an important result as some in the UOCAVA community express concern over persistent stereotyping of Americans abroad related to their ability to generate tax free income that often is associated with extensive economic transnational activity and wealth.<sup>112</sup> This finding goes some way in refuting this stereotype. As suspected, travel for business or personal reasons appears to be the primary driver of involvement in transnational activity. This suggests that extensive and continuing ‘in person’ contact with the home country facilitates the most extensive transnational activity.

<sup>112</sup> Van Schoonenveld, Dorothy. 2009. *Research Participation and Assistance*. (Personal communication, 27 February 2009).

It was interesting to note that those individuals in the academic occupation, which is a large component of this respondent group, do not engage in transnational activity. There could be several explanations for this. Studies of party preference and ideological self description of U.S. academics note that self described liberals outnumbered conservatives by a ratio of five to one.<sup>113</sup> The ratio increases in the social science fields such as sociology with a ratio of 44 self described liberals to one self described conservative.<sup>114</sup> Given this, it is possible that academics simply reject economic transnational activity, such as owning shares or property, due to a liberal predisposition and a negative association with Western capitalism. Considering there is not a significant statistical relationship to the more ‘neutral’ transnational activities including assisting family members financially and sending goods, this explanation has merit. However, it may simply be that the academic profession does not provide the wealth required to engage in these types of transnational activities. At the very least, the result is provocative when considering the statistical relationships in the other occupational classifications presented. What can be observed is that while transnational activity may facilitate integration into a receiving country, the findings suggest that involvement in this activity may vary according to certain demographic factors such as income, occupation or education levels.<sup>115</sup>

Engagement with political news sources is thought to influence how much people know about politics, but also how they feel and think about politics, and whether they will participate in politics. Levels of engagement may be mediated by other demographic factors like age, education levels and partisan self-identification.<sup>116</sup> This engagement could take on a distinctly different tone for the overseas community as their sources of media and information regarding American politics is different. This is because the UOCAVA community is located outside of the continental United States and access to traditional American news sources may require more effort and more resources. This has an aggregating effect on the overall cost of electoral participation. Responses to this set of questions should be viewed cautiously however as Prior notes that over-reporting of self

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<sup>113</sup> Cardiff, Christopher F. and Klein, Daniel B. 2005. Faculty Partisan Affiliation in All Disciplines: A Voter-Registration Study. *Critical Review: An Interdisciplinary Journal of Politics and Society*, 17(3-4), pp. 359-379.

<sup>114</sup> Cardiff and Klein, Faculty Partisan Affiliation in All Disciplines: A Voter-Registration Study, pp. 359-379.

<sup>115</sup> Snel, Engbersen and Leerkes, Transnational Involvement and Social Integration, p. 288.

<sup>116</sup> Norris, Curtice, Sanders, Scammell and Semetko, *On Message. Communicating the Campaign*, p. 90-94.

reported news exposure can be inflated on average by a factor of three.<sup>117</sup> Table 5.28 summarises respondents identified main sources of information regarding the 2008 Presidential Election. The results suggest a high level of ability to navigate the internet, as well as the resources available to ensure internet access and perhaps access to either cable or satellite television.

Table 5.28: Main Sources of Information Regarding the 2008 Presidential Election n = 676

Hard copies of U.S. newspapers	Online versions of U.S. newspapers	Non U.S. newspapers either hard copy or online	News television originating in the U.S.	News television not originating in the U.S.	New Media sources such as YouTube and/or blogs
3.6 %	38.9 %	12.4 %	22.8 %	9.8 %	10.4 %

Table 5.29 describes the frequency of engagement with the various sources of news and, with the exception of hard copies of U.S. newspapers, indicates a high level of engagement. What is interesting is the high level of engagement with various news sources not emanating from the United States. This high level of engagement could contribute to alternative or divergent political attitudes that are reflective of the receiving country, or simply may reflect engagement with news sources that are readily available. As with some of the other results presented thus far, this data should be viewed with several caveats. The 2008 Presidential Election generated intense global interest. The high levels of engagement with news sources could be reflective of this election cycle only. As Prior has noted, self reported news exposure can be highly inflated, particularly by individuals with high levels of education as is the case with this cohort.<sup>118</sup> However, the respondents to this survey are politically active and politically interested, so higher levels of engagement with news could be expected, making the potential for over reporting less likely.

<sup>117</sup> Prior, Markus. 2009. The Immensely Inflated News Audience: Assessing Bias in Self-Reported News Exposure. *Public Opinion Quarterly*, 73(1), p. 8.

<sup>118</sup> Prior, The Immensely Inflated News Audience: Assessing Bias in Self-Reported News Exposure, p. 8.

Table 5.29: Frequency of Engagement with News Sources Regarding the 2008 Presidential Election: n = 678

	Everyday	3-4 times per week	1-2 times per week	Less frequently	Never
<b>Hard copies of U.S. newspapers</b>	8.6 %	3.4%	6.9%	27.5%	48.8%
<b>Online versions of U.S. newspapers</b>	51.3%	15.8%	13.0%	12.5%	6.3%
<b>Non U.S. newspapers either hard copy or online</b>	47.6 %	19.9%	17.0%	10.3%	3.8%
<b>News television originating in the U.S.</b>	39.7 %	14.9%	12.2%	19.0%	13.0%
<b>News television not originating in the U.S.</b>	47.6 %	17.4%	10.8%	12.7%	9.7%
<b>New Media sources such as YouTube and/or blogs</b>	24.2 %	17.4%	15.8%	21.8%	15.5%

A final area of enquiry concerned the frequency of discussion regarding the 2008 Presidential Election, as well as the location of those discussions. The findings are presented in Table 5.30. Any exchange of political information and ideas with family can act as reinforcement to an individual’s political socialisation, regardless of the location of that exchange.<sup>119</sup> For the UOCAVA community, this cross border communication can eliminate distance as well as provide alternative perspectives on political happenings that would not necessarily be represented in the receiving country. The frequency of cross border contact also reflects a variant of transnational activity as the UOCAVA community attempts to maintain ties with the United States through political communication. An interesting observation is the higher frequency of discussion with friends residing in the U.S. as opposed to family residing in the U.S. The explanation for this could be benign in that perhaps the respondent has no family in the United States. However, only 5.3 percent of respondents said that the occurrence of political discussions with family in the United States was not an applicable situation for them. Clearly there is more frequent communication occurring in the resident country as opposed to the United States. This

<sup>119</sup> Flanigan and Zingale, *Political Behavior of the American Electorate, Eighth Edition*, p. 80.

finding may seem self-evident, however when also considering that more discussions are occurring with friends rather than family, the durability of familial partisan identification is likely to be diminished.

Table 5.30: Frequency of Discussions Regarding the 2008 Presidential Election: n = 680

	Family in resident country	Family residing in the U.S.	Friends in resident country	Friends residing in U.S.
Everyday	35.3%	7.2%	31.5%	10.0%
3-4 times per week	19.7%	15.3%	41.9%	17.6%
1-2 times per week	12.9%	30.6%	19.6%	25.1%
Less frequently	11.0%	33.4%	6.2%	37.1%
Never	1.6%	6.3%	.1%	2.4%

## 5.5 Conclusion

As Gimpel et al. argue, voter turnout is not only a function of individual level characteristics but of neighborhood characteristics.<sup>120</sup> The impact of location on participation is supported by Johnston et al. who note that similar individuals will vote differently in different places reflecting the norms situated in the alternative place.<sup>121</sup> Further, for some individuals, there is a ‘self-selection effect’ on participation related to where an individual chooses to live.<sup>122</sup> If an individual is in a community that reflects their own norms and values, participation increases.<sup>123</sup> If an individual is at odds with the norms and values of their community, political participation decreases.<sup>124</sup> This self-selection effect could be extended to explain the lack of participation in U.S. elections by the many Americans who reside abroad. This group simply may not relate to the norms and values of the United States after a long period of absence, and as a result will not participate

<sup>120</sup> Gimpel, James G., Dyck, Joshua J. and Shaw, Daron R. 2004. Registrants, Voters, and Turnout Variability Across Neighborhoods. *Political Behavior*, 26(4), p.345.

<sup>121</sup> Johnston, Ron, Jones, Kelvyn, Sarker, Rebecca, Propper, Carol, Burgess, Simon, and Bolster, Anne. 2004. Party Support and the Neighbourhood Effect: Spatial Polarisation of the British Electorate, 1991 – 2001. *Political Geography*, 23(4), p. 391.

<sup>122</sup> Gimpel, Dyck and Shaw, Registrants, Voters, and Turnout Variability Across Neighborhoods, p. 367.

<sup>123</sup> Gimpel, Dyck and Shaw, Registrants, Voters, and Turnout Variability Across Neighborhoods, p. 367.

<sup>124</sup> Gimpel, Dyck and Shaw, Registrants, Voters, and Turnout Variability Across Neighborhoods, p. 367.

electorally. Indeed, many of the individual level results presented in this chapter are predicated on the impact of location, and the influence of the different norms, values and political attitudes of the receiving country in which the UOCAVA voter lives. Gimpel's study further suggests that geographic location affects participation because partisan self-identification can change as a result of a new environment.<sup>125</sup> The findings in this research support this assertion as respondents associated with Democrats Abroad who reside overseas do have a different partisan self-identification than Democrats residing in the United States.

As Portes notes, while the incidence of transnational activity may be numerically limited at present, there is every reason to expect its growth in the future.<sup>126</sup> This argument is supported by the increasing numbers of Americans who are choosing to reside overseas and the increasing amount of political contributions coming from overseas.<sup>127</sup> The significance of transnational activity can not be underestimated. By maintaining continuing ties with the United States through economic, political and social activity, Americans overseas promote the national culture and ideology of the United States. As more Americans find themselves abroad, it is likely that American political parties may by necessity become more interested in this growing population. This interest will be compounded as elections become more competitive and require extensive funding dependent on individual level contributions. Political parties may have no alternative but to adapt their mobilisation methods to the UOCAVA community to secure election victories.

Concerning respondents associated with Democrats Abroad who reside overseas, the findings of this survey suggest they are highly motivated and strongly opinionated, presenting with a unique demographic profile that is distinctly different than their counterparts in the United States. They are older, white, highly educated and very liberal. Their political self-identification does not fully support traditional theories about the durability of familial socialisation. In some instances they have intentionally relocated due to ideological or personal differences with the prevailing views in the United States. The cumulative effect of these findings reflects what Fiorina describes as a growing trend of

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<sup>125</sup> Gimpel, Dyck and Shaw, *Registrants, Voters, and Turnout Variability Across Neighborhoods*, p. 367.

<sup>126</sup> Portes, *Introduction: The Debates and Significance of Immigrant Transnationalism*, p. 193.

<sup>127</sup> Starkweather, Sarah. 2010. *Campaign Contributions by American Citizens Living Abroad, 1991- 2008. OVF Research Newsletter*, 2(1).

people with more extreme views being disproportionately represented in the political process. He adds:

When citizens have far more opportunities to determine choices of candidates or policies, small and unrepresented slices of the population disproportionately avail themselves of these opportunities.<sup>128</sup>

In order for the UOCAVA community to take advantage of political opportunities, individuals must have the skills and resources to mediate the costs of participating in this unique environment. In this instance, the respondents to this survey have the tools required to navigate the complex system of voting from abroad and may not be representative of the larger community of Americans residing abroad. Indeed, as shown in chapter four, there are significant numbers of Americans overseas that do not participate electorally. The reason for this is still unknown. While this research has shed some light on the lives of those that do participate, until there can be more survey work that includes a wider range of Americans who reside abroad, the way in which this group relates to the United States political system from abroad and their propensity to participate will not be fully understood.

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<sup>128</sup> Fiorina, 'Extreme Voices: A Dark Side of Civic Engagement', p. 418.

## **Chapter 6: Conclusion**

### **6.1 Introduction**

This thesis has considered American overseas absent voting, the effectiveness of the Help America Vote Act of 2002 (HAVA) and the Military and Overseas Voter Empowerment Act of 2009 (MOVE) at improving overseas turnout, and the propensity of Americans resident overseas to participate in politics in the United States. The impetus for this research was the 2000 Presidential Election and the controversy surrounding the counting of overseas absentee ballots in the state of Florida. That controversy highlighted the importance of the rules of election administration in legitimating election outcomes, and the difficulty American overseas voters (UOCAVA) have in negotiating that system from their dispersed locations around the world. Within this analysis, there have been three main research aims. The first aim was to restructure the framework of overseas absent voting to include the larger historical debates concerning overseas absent voting. Recent literature that analyses American overseas absent voting has been presented primarily in terms of the 2000 Presidential Election. This narrow view has led to a limited understanding of the problems surrounding overseas absent voting. By synthesising the historical literature of American overseas absent voting, the thesis has enhanced our understanding of the recurring problems in this policy area. The second aim of this research was to assess the effectiveness of HAVA and the MOVE Act at improving overseas voter turnout. That analysis showed that despite the efforts of the Federal Government and key stakeholder groups to improve accessibility in the environment of overseas absent voting, overseas voter turnout has not increased and in fact remains very low. The third aim of this research was to analyse the political behaviour of Americans who reside abroad and consider how they relate to the larger political system of the United States. Data for this analysis was collected through the Americans Living Abroad (ALA) survey administered as part of this thesis. Very little is known about Americans residing overseas as research to date has not collected or analysed data regarding the demographics, associational involvement or the political attitudes and ideological self-identification of this group. This thesis has filled this research gap.

This concluding chapter will bring together the main findings from this research. However, the chapter will first consider current developments in the overseas absent voting debate that have not been included in the thesis because these events have occurred so recently. These developments will further highlight the fluid and partisan nature of the overseas absent voting debate, and contribute to the discussion regarding future research trajectories. The chapter will then present a synthesis and analysis of the research. This will include consideration of the research limitations, and a discussion of the major findings of this research. This will be followed by recommendations and suggestions for future research in this area and an assessment of the implications of the research for political science, comparative politics, and practitioners. This will then be followed by concluding thoughts regarding the American overseas absent voting debate.

## 6.2 Recent Developments

Chapter two detailed the specifics contained in the Help America Vote Act of 2002 (HAVA), and detailed the creation, structure and duties of the Election Assistance Commission (EAC) within the HAVA framework.<sup>1</sup> Chapter two highlighted that since its inception, the EAC has faced extensive challenges, most notably concerning delayed commissioner appointments and recurring appropriations problems, as well as repeated calls from the National Association of Secretaries of State (NASS) for the EAC to be disbanded.<sup>2</sup> Recent developments suggest the pressure on the EAC is not easing. Based on the most recent EAC report detailing the results of their 2010 military and overseas voter survey, there are no commissioners currently in leadership positions to run the EAC, with the last two commissioners resigning in December 2011.<sup>3</sup> Further, the EAC Standards Board and Board of Advisors are unable to function due to the lack of commissioners at the EAC. The Standards Board and Board of Advisors review voting systems guidelines and

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<sup>1</sup> Help America Vote Act of 2002, Pub. L. No. 107-252, 116 Stat 1666 (2002), particularly Title II.

<sup>2</sup> See for example National Association of Secretaries of State. 2005. *NASS Position on Funding and Authorization of the U.S. Election Assistance Commission*. (Press Release February 6, 2005). (<http://www.nass.org>, 3 March 2009) and National Association of Secretaries of State. 2005. *New Election Reform Legislation Would Undermine Progress and Interfere With States Rights*. (Press Release February 6, 2005). (<http://www.nass.org>, 3 March 2009).

<sup>3</sup> United States Election Assistance Commission. 2011. *Uniformed and Overseas Citizens Absentee Voting Act, Survey Observations, October 2011*. Washington, D.C.: United States Election Assistance Commission, p. 2.

best practice recommendations.<sup>4</sup> The EAC commissioners appoint a Designated Federal Official (DFO) to conduct business on behalf of the EAC Standards Board and Board of Advisors.<sup>5</sup> Without any commissioners, a DFO can not be appointed. As a result, the EAC Standards Board and Board of Advisors have been asked to suspend activity as of 25 January 2012 because it is unlikely the Senate will confirm new commissioners for the EAC in 2012.<sup>6</sup>

The existence of the EAC has been an ongoing debate. This most recent crisis began in February 2011 with the introduction of H.R. 672, the Elections Support Consolidation and Efficiency Act.<sup>7</sup> The Act called for the termination of the EAC and the transfer of EAC functions to the Federal Election Commission (FEC), which is traditionally responsible for monitoring campaign financing.<sup>8</sup> While the bill did not pass because it failed to get a required two thirds majority in the House, the vote was along strict party lines which supports the impact of partisan debate in the overseas voting system as shown by this thesis. In June 2011, Republican Senator Lamar Alexander continued to call for the termination of the EAC during a Senate Rules Committee meeting that was convened to consider nominees for EAC commissioner positions. Alleging an uncontrolled budget and partisan hiring practices at the EAC<sup>9</sup>, Alexander questioned the existence of the EAC and posed the all too familiar question of whether election administration is better left to state and local election officials.<sup>10</sup> Subsequently, H.R. 3463 was introduced in November 2011 ‘To reduce Federal spending and the deficit by terminating taxpayer financing of presidential election campaigns and party conventions and by terminating the Election

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<sup>4</sup> Help America Vote Act of 2002, particularly Title II, Section 211.

<sup>5</sup> Robbins, Mark A. 2012. *Memorandum to the U.S. Elections Assistance Commission Standards Board and Board of Advisors: EAC FACA Board Activity Suspension*. Washington, D.C.: The United States Election Assistance Commission.

<sup>6</sup> Robbins, *Memorandum to the U.S. Elections Assistance Commission Standards Board and Board of Advisors: EAC FACA Board Activity Suspension*.

<sup>7</sup> Election Support Consolidation and Efficiency Act. H.R. 672, 112<sup>th</sup> Cong., 2011

<sup>8</sup> Election Support Consolidation and Efficiency Act.

<sup>9</sup> See Carpenter, Amanda. 2009. Election Assistance Commission Nixes Job to Man Because of GOP Affiliation. *The Washington Times*, December 3, 2009. (<http://www.washingtontimes.com/weblogs/back-story/2009>, 3 March 2012) and United States Office of Special Counsel. 2009. *Office of Special Counsel Settles Political Discrimination Case*. Washington, D.C.: United States Office of Special Counsel. The EAC did not admit fault in this case and agreed to provide a monetary settlement to resolve the issues in the complaint.

<sup>10</sup> Bennett, Brian. 2011. *Hearing Held to Determine EAC Commissioners*. Washington, D.C.: Republican National Lawyers Association.

Assistance Commission'.<sup>11</sup> This bill passed the House on 1 December 2011 and has been referred to the Senate Rules Committee of which Senator Alexander is the ranking member. Some have been critical of the Obama administration and H.R. 3463, noting that the bill reflects President Obama's preference for eliminating public financing of presidential campaigns at the expense of the EAC.<sup>12</sup> This criticism has been compounded because of the bills intent to use surpluses from the public presidential campaign fund to reduce the deficit.<sup>13</sup> This has been seen as a 2012 campaign strategy by Obama to appeal to more fiscally conservative Democrats.<sup>14</sup> Indeed, President Obama has been accused of complacency concerning H.R. 3463 and the EAC, reflected further by his nomination of the current acting director of the EAC, Mark Robbins, to a different executive agency thereby leaving the EAC completely unmanned.<sup>15</sup> It has also been alleged that President Obama failed to consult with leading congressional Democrats who continue to support the EAC and believe that terminating the EAC would contribute to voter suppression.<sup>16</sup> However, the official Whitehouse position on H.R. 3463 is that 'the Administration strongly opposes the passage of H.R. 3463'.<sup>17</sup> But President Obama has sought to cut HAVA funding due to the unspent funding that many states are holding onto in accordance with HAVA.<sup>18</sup> States have held onto these funds in order to pay for continuing costs associated with the maintenance of new election systems mandated by HAVA.<sup>19</sup> Montjoy asserts that this practice gives the impression that states do not require any further funding from the EAC, thereby making the EAC redundant.<sup>20</sup>

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<sup>11</sup> To Reduce Federal Spending and the Deficit by Terminating Taxpayer Financing of Presidential Election Campaigns and Party Conventions and by Terminating the Election Assistance Commission. H.R. 3463, 112<sup>th</sup> Cong, 1<sup>st</sup> Session, 2011.

<sup>12</sup> Election Law Center. 2011. *Is the Obama Administration Raising the White Flag on the EAC?* (<http://electionlawcenter.com/2011/12/12/the-obama-administration-waves-the-white-flag-on-the-eac.aspx>, 20 January 2012).

<sup>13</sup> To Reduce Federal Spending and the Deficit by Terminating Taxpayer Financing of Presidential Election Campaigns and Party Conventions and by Terminating the Election Assistance Commission.

<sup>14</sup> Election Law Center, *Is the Obama Administration Raising the White Flag on the EAC?*

<sup>15</sup> The White House, Office of the Press Secretary. 2011. *President Obama Announces More Key Administration Posts*. Press Release, December 2, 2011. (<http://www.whitehouse.gov/the-press-office/2011/12/02/president-obama-announces-more-key-administration-posts>, 29 February 2012).

<sup>16</sup> Election Law Center, *Is the Obama Administration Raising the White Flag on the EAC?*

<sup>17</sup> Executive Office of the President. 2011. *Statement of Administration Policy, H.R. 3463 – Termination of Taxpayer Financing of Presidential Election Campaigns and Termination of the Election Assistance Commission*. Washington, D.C.: Executive Office of the President.

<sup>18</sup> Montjoy, Robert S. 2010. The Changing Nature...and Costs...of Election Administration. *Public Administration Review*, 70(6), p. 871.

<sup>19</sup> Montjoy, Robert S, The Changing Nature...and Costs...of Election Administration, p. 871.

<sup>20</sup> Montjoy, The Changing Nature...and Costs...of Election Administration, p. 871.

Key stakeholder groups have further undermined the EAC. The Department of Defense (DoD) and the Federal Voting Assistance Program (FVAP) have lobbied Congress to transfer the responsibility of collecting military voting data in the states from the EAC to the DoD.<sup>21</sup> The FVAP's new Strategic Plan for Fiscal Years 2010-2017, which was modified in May 2011, alludes to a desire to fill a void that would occur if the EAC was terminated.<sup>22</sup> For example, the Strategic Plan emphasises the FVAP collection of data from the states, a role that is currently filled by the EAC, and highlights its desire to be a model government agency that focuses on transparency, cost awareness and clearly defined objectives, all areas that the EAC has been accused of lacking.<sup>23</sup> However, if the FVAP is put in charge of collecting and analysing UOCAVA data, and their own existence is predicated on increasing overseas voter turnout, their analysis could be problematic. The FVAP has already been accused of 'cooking the books' concerning their most recent survey results which were openly criticised by the Heritage Foundation at the recent Overseas Vote Foundation (OVF) Summit held in Washington, D.C. in January 2012.<sup>24</sup> The quality of the FVAP data has been criticised by many prior to this current report.<sup>25</sup> The concern over the future integrity of UOCAVA data is further amplified when considering the FVAP's unrealistic objective to improve UOCAVA voter success rates to meet or exceed the general absentee population's voter success rate of 91 percent by 2016.<sup>26</sup> Indeed, unrealistic objectives and suspect data collection is not a good combination for reliable research output. For those interested in accurately reporting data concerning the UOCAVA community, this is a worrying development given that it is almost certain the EAC will not survive the coming year.

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<sup>21</sup> Election Law Center, *Is the Obama Administration Raising the White Flag on the EAC?* and Election Law Center. 2011. *DOD, FVAP Attempts to Remove the Collection of State Election Data from the Independent Election Assistance Commission (EAC) and Remove Any Non-DOD Reports That Evaluate It*. <http://electionlawcenter.com/2011/10/21/20111019.aspx>, 5 March 2012).

<sup>22</sup> The Federal Voting Assistance Program. 2011. *Strategic Plan for Fiscal Years 2010-2017, Revised 5/15/2011*. Washington, D.C.: Federal Voting Assistance Program.

<sup>23</sup> The Federal Voting Assistance Program, *Strategic Plan for Fiscal Years 2010-2017, Revised 5/15/2011*, p. 6.

<sup>24</sup> This point of view is reflected in Von Spakovsky, Hans. 2011. *Cooking the Military Books*. Washington, D.C.: The Heritage Foundation.

<sup>25</sup> For criticism concerning the FVAP survey methodology, see for example United States Government Accountability Office. 2010. *Elections: DOD Can Strengthen Evaluation of Its Absentee Voting Assistance Program*. GAO-10-476. Washington, D.C.: United States Government Accountability Office and Smith, Claire. 2010. Indicators of Success: Measuring Military Voter Turnout. *OVF Research Newsletter*, 2(3), or Overseas Vote Foundation. 2010. Reviewing the FVAP's 2008 Post Election Survey. *OVF Research Newsletter*, 2(1).

<sup>26</sup> The Federal Voting Assistance Program, *Strategic Plan for Fiscal Years 2010-2017, Revised 5/15/2011*, p. 10.

Despite these developments, it is doubtful in the immediate future that simply getting rid of the EAC will have a significant impact on the broader issues concerning the UOCAVA community as the bulk of HAVA and the MOVE Act will remain intact. The question is the allocation of EAC responsibilities to other government agencies, and the successful execution of those responsibilities. As suggested above, a significant issue is the collection of data concerning UOCAVA voters. States are just beginning to provide the EAC with good quality data that reflects important information concerning UOCAVA participation. H.R. 3463 proposes transferring specific election administration functions to the FEC, including collecting UOCAVA data. However, with the emerging emphasis again on the rights of states to dictate their own election policies, it is questionable whether the improving quality of UOCAVA data emanating from the states will be maintained. H.R. 3463 also proposes a new Guidelines Review Board consisting of 82 members.<sup>27</sup> This is smaller than the EAC Standards Board and Board of Advisors. However board membership continues to be state centred, yet reflective of higher level state agencies rather than state and local election workers.<sup>28</sup> It is uncertain how these developments, in combination with the return of states rights rhetoric, will impact the overseas community. However, it is certain the debates will continue well into the future.

### **6.3 A Synthesis and Analysis of the Key Findings**

Chapter two examined in detail the events and disputes surrounding the 2000 Presidential Election, including the issues relating to overseas absentee ballots. In chapter three, this examination was extended to include the larger historical debates concerning overseas absent voting. Non linear approaches to policy analysis were used to further clarify the nature of overseas absentee policy processes, including the use of narrative, path dependency and punctuated equilibrium models. This approach allowed different articulations of the problems associated with overseas absent voting to be sequenced and synthesised, and highlighted a system subject to exogenous shocks that induce extensive policy change. Through the use of thick historical narrative, the thesis further revealed that the underlying events of the 2000 Presidential Election were not unique in the story of

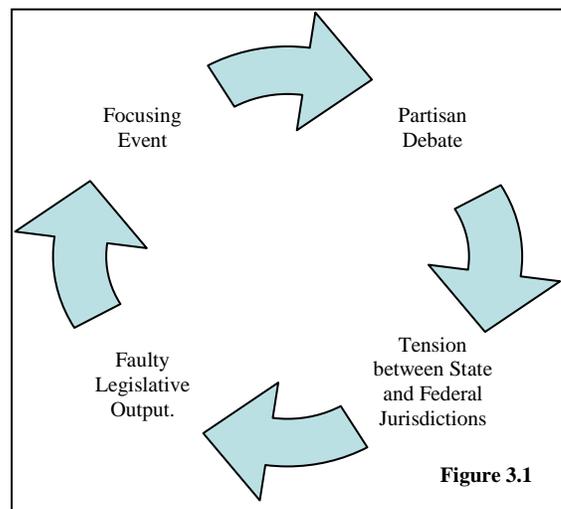
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<sup>27</sup> To Reduce Federal Spending and the Deficit by Terminating Taxpayer Financing of Presidential Election Campaigns and Party Conventions and by Terminating the Election Assistance Commission.

<sup>28</sup> To Reduce Federal Spending and the Deficit by Terminating Taxpayer Financing of Presidential Election Campaigns and Party Conventions and by Terminating the Election Assistance Commission.

overseas absent voting. Three recurring problems were identified that have underpinned all overseas absent voting debates. These include the tension between federal and state election jurisdictions in the administration of the overseas vote, the partisan nature of the debate concerning overseas absent voting, and the faulty legislative responses to issues regarding the overseas absent voting process. This synthesis has contextualised the overseas absent voting debate beyond the events of the 2000 Election. This type of analysis is not represented in the literature concerning overseas absent voting, and as a result, this new framework fills a gap in the literature.

The framework of overseas absent voting presented in this thesis imposes the idea of recurring events into the overseas absent voting debate and demonstrates the link between those recurring events. The usefulness of this framework lies in its ability to structure the problems in the overseas absent voting debate beyond the events of the 2000 Presidential Election. Indeed, this research has found that it has not been useful to tie the problems associated with overseas absent voting to the single event of the 2000 Election. This is because the events of the 2000 Election were path dependent,



meaning they were largely predicated on preceding legislation and partisan debate. As such, the synthesis in this thesis provides an analytical structure for overseas absent voting processes that extends beyond the events of the 2000 Presidential Election and facilitates greater insight. The structure also acts as a reference point for future discussion concerning the continued failure of legislation to correct the problems faced by overseas absent voters.

While the usefulness of this framework lies in its ability to contextualise beyond the 2000 Election, it could be seen to be overly general or even self-evident. However, in this instance the structure has been imposed to assist in developing an understanding of the recurring problems in the overseas absent voting process and the relationship between those recurring problems. This framework communicates those findings clearly. The language in the framework provides consistency for describing events and provides a broad foundation

for future investigation. While this structure may impose an agenda on the researcher, in this instance the historical research for this thesis was a priori to this framework. The potential limitation of this framework should be recognised. However, it is important to recognize that this is the first articulation of an overseas absent voting system framework. It is expected that this will be criticised, reviewed, changed, and enhanced as a result of future investigations.

Applying this new insight, recent attempts at correcting the problems faced by overseas voters have focused almost exclusively on the tension between state and federal election jurisdictions in determining election policies and practices. This focus has emphasised the importance of correcting procedural issues such as ballot transit times and registration procedures by eliminating the variety of state procedures inherent in the overseas voting process.<sup>29</sup> This focus has identified restrictive and divergent administrative rules as the primary cause of the disenfranchisement of the overseas population. Efforts have been directed at streamlining processes, unify practice across the states, and creating a less restrictive environment for the overseas absent voter in order to increase voter turnout. However, as Norris asserts, if the broader features of a political system remain unchanged, then tinkering with administrative procedures may produce only minimal improvement in turnout.<sup>30</sup> This is true concerning the system of overseas absent voting. Partisan debates continue to undermine efforts at loosening and unifying overseas voting regulation. These debates use the rhetoric of states rights to allow states extensive leeway to interpret federal legislation such that the effectiveness of efforts directed at procedural corrections is diminished.

Attempts to improve the effectiveness of legislative output have also been seen as an important approach to correct the problems faced by the overseas community. Efforts are frequently conducted in a bipartisan fashion and can be seen to be pragmatic in that they focus on legislative content. For example, the work of the bipartisan National Commission

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<sup>29</sup> See in particular Alvarez, R.M., Hall, T.E. and Roberts, B.F. 2007. Military Voting and the Law: Procedural and Technological Solutions to the Ballot Transit Problem. *Caltech/MIT Voting Technology Project Working Paper #53*. (<http://content.lib.utah.edu/u?/ir-main,8432>, 15 October 2008), The Pew Center on the States. 2009. *No Time to Vote: Challenges Facing America's Overseas Military Voters*. Washington, D.C.: The Pew Charitable Trusts, and Smith, Claire. 2009. It's in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting. *Overseas Vote Foundation*. ([www.overseasvotefoundation.org](http://www.overseasvotefoundation.org), 5 January 2010).

<sup>30</sup> Norris, Pippa. 2004. *Electoral Engineering: Voting Rules and Political Behavior*. Cambridge: Cambridge University Press, pp. 171-173.

on Federal Election Reform (NCFER) was directed exclusively at informing and improving the federal legislative response to the events of the 2000 Presidential Election.<sup>31</sup> The NCFER report played a pivotal role in the formulation of the Help America to Vote Act of 2002 (HAVA). However, HAVA did not succinctly address the problems faced by the overseas community. As a result, further legislation was sought at the federal level, and was realised in the Military and Overseas Voter Empowerment Act of 2009 (MOVE). This legislation was largely informed by bipartisan key stakeholder groups who, as noted above, have emphasised the importance of correcting procedural barriers to the overseas voting process.<sup>32</sup> However, the MOVE Act has not been successful at fully addressing problems in the overseas voting process either.<sup>33</sup> Efforts by the bipartisan Uniform Law Commission (ULC) have also attempted to produce uniformity in overseas election administration by providing a template of state legislation that can be adopted by the states. However, this legislation has not been universally adopted by the states. Indeed, partisan debates concerning states rights have continued to exert significant influence on attempts at pragmatic improvements to legislative outputs such that the impact of these efforts have also been diminished.

The partisan debate concerning overseas absent voting is the most pervasive element in the framework that prevents effective solutions from emerging in the overseas absent voting debate. This should be unsurprising. Indeed, as the rational choice framework suggests, all political parties ‘act solely in order to attain the income, prestige, and power which come from being in office’, thereby seeking electoral rules which will be beneficial to their party’s success.<sup>34</sup> However, this partisan activity has not just thwarted legislative output and implementation. In some cases, the overseas voter has been intentionally mobilised to achieve certain political outcomes. This mobilisation has not just been restricted to the early discourse of overseas absent voting which revealed that military voters were frequently

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<sup>31</sup> Carter, J., Ford, G.R., Cutler, L. and Michel, R. 2001. *To Assure Pride and Confidence in the Electoral Process: Report of the National Commission on Federal Election Reform*. Washington D.C.: Brookings Institution Press.

<sup>32</sup> The Pew Center on the States, *No Time to Vote: Challenges Facing America’s Overseas Military Voters*, Smith, It’s in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting and Smith, Claire. 2009. A UOCAVA State Policy Index. *OVF Research Newsletter*, 1(3). (<https://www.overseasvotefoundation.org/research-intro-newsletter>).

<sup>33</sup> Overseas Vote Foundation. 2011. *Overseas Vote Foundation Measures Impact of MOVE Act with 2010 Post Election UOCAVA Voter and Election Official Surveys*. (<https://www.overseasvotefoundation.org/press>, 9 June 2011).

<sup>34</sup> Downs, Anthony. 1957. *An Economic Theory of Democracy*. New York: Harper Row, p. 28.

extended voting rights in close elections, only to subsequently have that right removed. During the 2000 Election, both parties attempted to capitalise on the assumed partisan ideologies of the different groups that make up the overseas community. Military voters were assumed to be conservative leaning and all other overseas voters were assumed to be liberal leaning. As a result of these assumptions, attempts were made by the political parties to disqualify certain overseas ballots to gain an electoral advantage. To date however, there is no known research that supports the assertions of the parties in the 2000 Election concerning the partisan ideologies of the overseas community. Indeed, Inbody's research found that there were no grounds for the partisan assumptions in the 2000 Election, noting that the overall proportion of Republicans in the military is no greater than that found in the general population.<sup>35</sup> While the findings of this research have suggested that some of the assumptions concerning overseas citizens may be correct, it is not possible to generalise those findings to the entire UOCAVA population. This research tried to overcome the inability to generalise the survey findings by attempting to collaborate with key stakeholder groups in an effort to extend the reach of the research to include a broader pool of UOCAVA respondents. But, as noted in chapter five, a request was made to remove those findings from this thesis for fear of partisan reprisal. It is difficult to enhance research in the area of overseas absent voting in an environment of partisanship. This partisan environment has included other requests to suppress evidence<sup>36</sup>, and is reflective of the broader implications of the framework of the overseas voting system developed in this thesis that prevents effective solutions from emerging.

Chapter four considered whether the Help America Vote Act of 2002 (HAVA) and the MOVE Act of 2009 (MOVE) have been effective in increasing overseas voter turnout. By constructing overseas population models and utilising the data available from the Election Assistance Commission (EAC), overseas voter turnout was measured. The thesis found that despite efforts to liberalise election procedures for the overseas community, HAVA and the MOVE Act have not been effective at increasing overseas voter turnout. This finding was supported by existing literature concerning the impact of liberalising election procedures

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<sup>35</sup> Inbody, Donald S. 2009. *Grand Army of the Republic or Grand Army of the Republicans? Political Party and Ideological Preferences of American Enlisted Personnel*. Ph.D. San Marcos: Texas State University, p. 9.

<sup>36</sup> For an account of another incident of the suppression of evidence in the overseas absent voting debate see Wang, Tova Andrea. 2007. A Rigged Report on U.S. Voting? *The Washington Post*, August 30, 2007. (<http://www.washingtonpost.com/wp-dyn/content/article/2007/08/29>, 1 March 2012).

and increasing voter turnout in the continental United States.<sup>37</sup> This body of literature suggests that efforts to liberalise the rules concerning election procedures in order to improve voter turnout are misplaced. By extending this discussion to include election procedures directed at American overseas voters, this research acts as an important corrective to key stakeholder group research that has frequently misrepresented overseas voter turnout.<sup>38</sup> Further, as Norris suggests, the failure to improve overseas voter turnout through HAVA and the MOVE Act is largely due to a lack of consideration to the other factors inherent in the overseas electoral system.<sup>39</sup> The framework created by this thesis emphasises this point and highlights the links between the various factors in the overseas absent voting system. Unless all components of the framework are sufficiently mediated, any attempts at improving the overseas voting experience will have minimal impact. In this instance, partisan debate again trumps the ability of legislative output to improve overseas voter turnout, in particular by sustaining the environment at the state level that facilitates diverse interpretations and implementation of federal election policy.

Several pieces of evidence representing various points along the overseas voting process highlight the failure of HAVA and the MOVE Act to improve overseas voter turnout. For example, the net requests for ballots from UOCAVA voters has not significantly changed as a result of any legislative initiatives that make voter registration more accessible or ballot transit easier.<sup>40</sup> The total number of ballots requested should increase in line with less

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<sup>37</sup> See for example Endersby, James W. and Kriekhaus, Jonathan T. 2008. Turnout Around the Globe: The Influence of Electoral Institutions on National Voter Participation, 1972-2000. *Electoral Studies*, 27 (4), pp. 601-610, Rugeley, Cynthia and Jackson, Robert A. 2009. Getting on the Rolls: Analyzing the Effects of Lowered Barriers on Voter Registration. *State Politics and Policy Quarterly*, 9(1), pp. 56-78, Larocca, Roger and Klemanski, John S. 2011. U.S. State Election Reform and Turnout in Presidential Elections. *State Politics and Policy Quarterly*, 11(1), pp. 76-101, Timpone, Richard J. 1998. Structure, Behavior, and Voter Turnout in the United States. *The American Political Science Review*, 92(1), pp. 145-158, Norris, Pippa. 2004. *Electoral Engineering: Voting Rules and Political Behavior*. Cambridge: Cambridge University Press, and Hanmer, Michael J. 2007. An Alternative Approach to Estimating Who is More Likely to Respond to Changes in Registration Laws. *Political Behavior*, 29(1), pp. 1-30.

<sup>38</sup> See for example The Federal Voting Assistance Program. 2005. *The Federal Voting Assistance Program, 17<sup>th</sup> Report*. Washington D.C.: Department of Defense, and The Federal Voting Assistance Program. 2011, *The Federal Voting Assistance Program, Eighteenth Report: 2008 Post Election Survey Report*. Washington, D.C.: The Federal Voting Assistance Program.

<sup>39</sup> Norris, *Electoral Engineering: Voting Rules and Political Behavior*, pp. 171-173.

<sup>40</sup> Total ballots transmitted to UOCAVA voters: 2006 – 992,034, 2008 – 989,207, 2010 – 611,058. See United States Election Assistance Commission. 2007. *Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) Survey Report Findings. September 2007*. Washington, D.C.: United States Election Assistance Commission, United States Election Assistance Commission. 2009. *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009*. Washington, D.C.: United States Election Assistance Commission, and United States Election Assistance Commission. 2011. *Uniformed and Overseas Citizens*

restrictive regulations, yet we do not see this in the findings in chapter four. In terms of overseas ballots returned for counting to the various states, key stakeholder groups have emphasised the figure 25 percent, representing the estimated rate of disenfranchisement of the overseas community due to divergent state policies.<sup>41</sup> This suggests that if those policies were corrected, as HAVA and the MOVE Act have purported to do, there should be an increase in voter participation by as much as 25 percent. While a 25 percent increase would be a tall order in the best of situations, the findings in chapter four show that HAVA and the MOVE Act have had no impact on voter participation. Once a ballot is received back in the United States from the overseas voter for counting, rejection rates continue to be high. HAVA and the MOVE Act intended to correct high rejection rates at this stage of the overseas voting process. However, there has not been a demonstrable difference in the rate of rejection of ballots received for counting. Fundamentally, the number of UOCAVA voters is not increasing which is antithetical to the intention of HAVA and the MOVE Act.

Chapter four suggested that location and the associated issue of mobility contributes to low voter turnout in the UOCAVA community. Highton suggests that excessive mobility in a group like the UOCAVA community makes it difficult for individuals to be mobilised by political parties.<sup>42</sup> These mobilisation activities provide important clues for individuals that facilitate their electoral responses. Schlapfer et al. note that voters use simplified heuristics based on the clues given by the political parties to cast a vote in line with their interests and values.<sup>43</sup> When these clues are absent, individuals will feel socially disconnected and will not participate.<sup>44</sup> This effect could be significantly amplified due to the extent of the dispersed nature of the American overseas population. Evidence presented in chapter five strengthens this point by suggesting that Americans residing overseas may be influenced by a different set of political clues present in the political discourse in their resident country.

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*Absentee Voting Act, Survey Observations, October 2011.* Washington, D.C.: United States Election Assistance Commission.

<sup>41</sup> See for example Schumer, Charles. 2009. *Schumer Releases Survey Suggesting Ballots of One in Four Overseas Military Voters Went Uncounted in '08 Election.* Press Release, May 13, 2009. ([http://schumer.senate.gov/new\\_website/record\\_print.cfm?id=312970](http://schumer.senate.gov/new_website/record_print.cfm?id=312970), 18 February 2010), The Pew Center on the States, *No Time to Vote: Challenges Facing America's Overseas Military Voters*, Smith, It's in the Mail: Surveying UOCAVA Voters and Barriers to Overseas Voting, and United States Election Assistance Commission, *Uniformed and Overseas Citizens Absentee Voters Act: Survey Findings, November 2009.*

<sup>42</sup> Highton, Benjamin. 2000. Residential Mobility, Community Mobility, and Electoral Participation. *Political Behavior*, 22(2), p. 110.

<sup>43</sup> Schlapfer, Felix, Schmitt, Marcel, and Roschewitz, Anna. 2008. Competitive Politics, Simplified Heuristics, and Preferences for Public Good. *Ecological Economics*, 65(3), p. 574.

<sup>44</sup> Highton, Residential Mobility, Community Mobility, and Electoral Participation, p. 110.

This complicates the use of heuristics when making electoral decisions directed at the United States, and may impact electoral participation. It is likely that mobility and location are mutually reinforcing on their impact concerning feelings of social disconnectedness. This has a compounding effect on the low levels of participation by Americans resident overseas.

It is important to note that there are limitations concerning the analysis of the effect of HAVA and the MOVE Act on overseas voter turnout. This limitation can largely be attributed to incomplete and potentially inaccurate data concerning not only population estimates of the American overseas population, but the data emanating from the EAC. This research tried to mediate for the population estimate problem by considering all the available data related to the American overseas population. This allowed for the complete range of population possibilities to be presented in the research. Even considering the best case scenario for voter turnout, which would be a low American overseas population in relation to overseas absentee ballots counted, voter participation by the UOCAVA community was still extremely low. Importantly, HAVA and the MOVE Act have not improved overseas voter turnout. Additionally, while it was clear the EAC data was particularly problematic early on, the data did improve with every election cycle. To mediate for this problem however, the research considered the results for a select group of states that are known to have submitted complete UOCAVA data sets for each EAC reporting cycle. The results of this exercise supported the finding that HAVA and the MOVE Act have not improved UOCAVA participation. It is expected that this finding will be highly controversial, and will be challenged by key stakeholder groups on the grounds of incomplete and inaccurate population and ballot data. While it is acknowledged that there are data problems, these problems are not sufficient enough to render the conclusions of this research invalid.

Chapter five considered the political behaviour of Americans who reside abroad and how they relate to the larger political system of the United States. In this regard, the chapter contributes to the literature concerning the participatory behaviour of the American electorate by extending the discourse to include Americans resident overseas. This contribution was facilitated through an analysis of the data collected in the Americans Living Abroad (ALA) survey. The analysis considered four broad areas relating to

Americans residing overseas including the extent of demographic difference between Americans overseas and Americans in the United States, the extent of difference in political attitudes and partisan self-identification between Americans overseas and Americans in the United States, levels of associational involvement and levels of attachment by Americans overseas, and the nature and extent of continuing contact by Americans overseas with the United States through traditional transnational activities. As noted previously, there are limitations in this analysis that reduce the generalisability of the findings. However, it is not statistically impossible to generalise the findings, particularly considering the extent of similarity to larger key stakeholder data sets.

Recognising the nature of the cohort, meaningful analysis was conducted concerning the extent of demographic difference between Democrats residing abroad and Democrats in the United States. The findings showed important differences between these two groups. For example, Democrats resident overseas are older, almost exclusively white, and very highly educated. All of their partisan identifications, including self-identification and party identification, are more extreme compared to Democrats in the United States. Chapter five suggested that the heightened political environment surrounding the 2008 Presidential Election may have contributed to a disproportionate representation of strong views in the survey data. This would support Fiorina's assertion that individuals with intense views will take greater satisfaction in participating politically when the alternative political preferences (George W. Bush) deviate significantly from the status quo.<sup>45</sup> This assertion would also suggest the data reflects the global reach of unpopular politics emanating from the United States which fostered that partisan environment in 2008. This underscores the potential impact of an unpopular president and unpopular policies on Americans resident overseas. While this situation may bring individuals with strong views to the polls, chapter five also suggested it is likely that this environment causes some Americans resident overseas to remain anonymous thereby depressing voter turnout.

Data concerning the incidence of transnational activity and levels of associational involvement were also captured by the survey. Transnational activity reflects the extent and

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<sup>45</sup> Fiorina, Morris P. 1999. 'Extreme Voices: A Dark Side of Civic Engagement', in Skocpol, Theda and Fiorina, Morris P. (eds.), *Civic Engagement in American Democracy*. Washington, D.C.: Brookings Institute Press, p. 421.

manner that individuals maintain ties with their country of origin, while associational involvement reflects the extent to which individuals integrate into their resident country. Both factors have the propensity to influence political participation and may even have a predictive capacity regarding political participation. This analysis sought to understand the magnitude and direction of any potential influence concerning transnational activity and associational involvement. The success of this research aim was mixed. Concerning transnational activity, the findings indicated that the incidence of traditional economic transnational activities was contained within a specific subgroup of the cohort, suggesting limited continuing contact with the United States overall in the respondent group through this activity. However, socially, respondents have extensive continuing contact with the United States through personal travel. This travel correlates highly with the incidence of economic transnational activity. Importantly, the findings of this research confirm other findings that suggest involvement in transnational activity may vary according to certain demographic factors such as income, occupation or education levels.<sup>46</sup> Certainly this data acts as an important addition to the literature concerning the transnational activities of migrant groups. However, more work is needed to contextualise the findings and relate them to participation. This will require further survey effort.

Concerning associational involvement, the analysis of data concerning associational involvement was largely informed by the work of the European Citizenship, Involvement and Democracy Project (CID).<sup>47</sup> This project was replicated in the United States (USCID).<sup>48</sup> This provided an opportunity for comparison across the data sets. The findings indicate that respondents to the ALA survey are more attuned to the associational behaviour found in the CID project countries than the USCID project. ALA respondents engaged in associations to a much greater degree than their continental counterparts. This again reflects the influence of location and an alternative cultural predisposition in the resident countries and suggests a high level of assimilation and integration by the respondents. Further, this suggests the durability of cultural predispositions in the United States are muted after long periods of absence. However, while this comparison says much about Americans resident

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<sup>46</sup> Snel, E., Engbersen, G. and Leerkes, A. 2006. Transnational Involvement and Social Integration. *Global Networks*, 6(2), p. 288.

<sup>47</sup> Van Deth, Jan W., Montero, Jose Ramon, and Westholm, Anders (eds.). 2007. *Citizenship and Involvement in European Democracies: A Comparative Analysis*. Abingdon: Routledge.

<sup>48</sup> The United States 'Citizenship, Involvement, Democracy' (CID) Survey. 2005. *Results*. Washington, D.C.: Georgetown University. (<http://www8.georgetown.edu/centers/cdacs/cid/results.htm>, 11 November 2011).

overseas, it says more about Americans in the United States. Indeed, suggestions that associational involvement and social capital are in decline in the continental United States have merit when set in this context.<sup>49</sup> In terms of associational involvement, the United States lags significantly behind Europe with two interesting exceptions, religious or church organisations and military and veterans organisations.

There are larger implications of this research that challenge the very nature of American federalism, as well as the relationship between voting and citizenship duties. The implementation of federal election standards through HAVA and the MOVE Act represent the continuing change in the relationship between the states and the Federal Government from a cooperative relationship to a coercive one. This change is reflected by the trend of increasing centralisation in federal power which began in the 1960s during the Johnson administration.<sup>50</sup> While some thought the Bush administration would halt this trend, the opposite has been true.<sup>51</sup> Conlan asserts this is due to a shift in conservative ideology that has enjoined certain ideological goals with the willingness to employ instruments of national action to attain policy objectives.<sup>52</sup> The result of this federal activism has been a surge of state policy activism in an attempt to ward off federal interference.<sup>53</sup> This state activity has made any future attempts at federal uniform overseas election procedures doomed to fail. This is because state and local government organisations have thus far successfully blocked the implementation of uniform federal election standards and are likely to continue to do so. Many key stakeholder groups have made this realisation and have redirected their activity towards state legislatures via the ULC and the use of state policy indices that name and shame states in an attempt to change policy.<sup>54</sup>

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<sup>49</sup> Putnam, Robert D. 2000. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon and Schuster.

<sup>50</sup> Hanson, Russell L. 2008. 'Intergovernmental Relations' in Gray, Virginia and Hanson, Russell L. (eds.), *Politics in the American States, A Comparative Analysis, Ninth Edition*. Washington, D.C.: CQ Press, pp. 34-36.

<sup>51</sup> Conlan, Tim. 2010. 'American Federalism in the Twenty-First Century' in Peele, Gillian, Bailey, Christopher J., Cain, Bruce and Peters, B. Guy (eds.), *Developments in American Politics 6*. New York: Palgrave Macmillan, pp. 150-166.

<sup>52</sup> Conlan, 'American Federalism in the Twenty-First Century', p. 151.

<sup>53</sup> Palazzolo, Daniel, Moscardelli, Vincent G., Patrick, Meredith and Rubin, Doug. 2008. Election Reform after HAVA: Voter Verification in Congress and the States. *Publius: The Journal of Federalism*, 38(3), pp. 515-537.

<sup>54</sup> See in particular Gerken, Heather. 2009. *The Democracy Index: Why Our Election System is Failing and How to Fix It*. Princeton: Princeton University Press, The Pew Center on the States, *No Time to Vote: Challenges Facing America's Overseas Military Voters*, and Smith, Claire. 2009. A UOCAVA State Policy Index. *OVF Research Newsletter*, 1(3). (<https://www.overseasvotefoundation.org/research-intro-newsletter>).

Dalton notes that the tradition of citizenship, participation and democracy is central to the political history of the United States.<sup>55</sup> Indeed, there is a strong normative argument that high electoral participation is reflective of a healthy democracy. In this regard, participation rates of overseas voters would not suggest a healthy democracy, as they hover around 16 to 20 percent in the best case scenario. However, in this instance there is also an issue of the nature of that participation as the findings of this research suggest participation by the UOCAVA community is dominated by individuals with very strong partisan ideology and a distinct demographic. As Fiorina notes, political groups become more polarised when the less extreme members are pushed out.<sup>56</sup> If we consider overseas absent voters to be a political group, Fiorina's assumption has merit. This is because there is not a median point of view represented in the data collected for this research. This suggests that polarisation exists in the overseas community. It seems likely this factor contributes to depressed overseas turnout in the American community abroad.

Limitations concerning the survey design and administration have been discussed extensively in chapter one concerning methodology, but it is important to reiterate the most important and expected criticisms of the survey results. The sample bias in this survey limits its overall generalisability to the full UOCAVA population, although it is not statistically impossible to make this generalisation. As noted previously, the respondent set is disproportionately derived from Democrats Abroad (DA), although this allowed for some interesting comparisons with Democrats in the United States. However, because the only possibility of deriving a sample for this research was through non-probability sampling techniques, it is not possible at this time to obtain a data set that can be fully generalised to the UOCAVA population. Self-selection bias in the data could be a significant problem, although this manifests itself in all survey research. The research attempted to mediate the potential for self-selection bias by collaborating with a key stakeholder group to compare findings across broader data sets. While that group has requested those findings be removed from the thesis, I am confident that the incidence of self-selection is not a pronounced

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<sup>55</sup> Dalton, Russell J. 2006. *Citizenship Norms and Political Participation in America: The Good News Is...the Bad News is Wrong*. Occasional Paper 2006-01. Center for Democracy and Civil Society, Georgetown University. Washington, D.C.: Georgetown University, p. 2.

<sup>56</sup> Fiorina, 'Extreme Voices: A Dark Side of Civic Engagement', p. 423.

factor in my survey results. I stand by my assertions concerning the findings in this research.

Finally, this thesis has enhanced our understanding of the American overseas community and overseas absent voting in three ways. First, it has placed the discourse of overseas absent voting in a new framework. It has done this by synthesising the historical literature concerning overseas absent voting. The research has identified three recurring problems in the overseas absent voting system. This finding has been used to construct a new framework that focuses on recurring events in the overseas absent voting debate and demonstrates the link between those recurring events. The usefulness of this framework lies in its ability to structure the problems in the overseas absent voting debate beyond the events of the 2000 Presidential Election. This framework has redirected the larger discourse on overseas absent voting by providing an analytical structure to overseas absent voting processes that facilitates a broader understanding. It also has provided an explanation concerning the continued failure of legislation to correct the problems faced by American overseas voters.

Secondly, in assessing the effectiveness of the Help America Vote Act of 2002 (HAVA) and the Military and Overseas Voter Empowerment Act of 2009 (MOVE) in increasing overseas voter turnout, this research offers a position consistent with the evidence and contrary to the normative position taken within the policy area. The evidence presented in this thesis indicates that HAVA and the MOVE Act have not been effective at increasing overseas voter turnout. This finding supports existing literature concerning the impact of liberalising election procedures and increasing voter turnout in the continental United States. The literature suggests that efforts to liberalise the rules concerning election procedures in order to improve voter turnout are ineffective because they fail to take into account factors in the larger political system. By extending this discussion to include election procedures directed at American overseas voters, this research enhances insight concerning the larger American electorate and acts as an important corrective to key stakeholder group research in the overseas absent voting debate.

Thirdly, by gathering demographic information concerning the American overseas community, this thesis contributes to the research concerning the UOCAVA community by

enhancing our understanding of their participatory behaviour and revealing how they relate to the political system in the United States. This research has provided a demographic picture of the American overseas community, and specifically Democrats residing overseas. That picture suggests that Americans resident overseas are distinctly different than their continental counterparts, specifically in the areas of age, ethnicity, educational attainment, and political self-identification. Importantly the research provides new insights into the political participation of a transnational migrant group and has enhanced our understanding of the characteristics of the American overseas community.

#### **6.4 Recommendations and Suggestions for Future Research**

Future policy output could benefit by differentiating between the various parts of the UOCAVA community. For example, chapter three detailed the expansion of overseas absent voting rights, noting that originally absent voting policies were solely directed at the military, with a gradual extension to include government representatives and their families. Overseas voting rights then expanded to include citizens located outside the United States for business, education or other personal reasons. This discourse highlights the diversity within the UOCAVA community. However, the rhetoric of overseas absent voting is disjointed and does not enjoin the UOCAVA community together. As the events of the 2000 Election demonstrated, different partisan strategies were directed at the different types of UOCAVA ballots to maximise political outcomes. However, in particular, no one wanted to be seen to disenfranchise the military. This suggests there is a distinct UOCAVA discourse for the military, and another for the rest of the UOCAVA community. This 'separateness' is also highlighted by the jurisdiction of the Department of Defense (DoD) in handling all the affairs concerning the UOCAVA community. To be frank, it does not make sense for American citizens residing overseas to interface with the DoD as the official disseminator of voting information to the entire UOCAVA community. This structure is a remnant of the Federal Voting Assistance Act of 1955 and is not reflective of the expanding UOCAVA community today. While the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA) created the Federal Voting Assistance Program (FVAP) as the intermediary for the DoD, it is still under the jurisdiction of the DoD. The DoD and the FVAP seem to recognise the distinction between military voters and civilian overseas voter as they have lobbied Congress to transfer the responsibility of collecting only military

voting data in the states from the EAC to the DoD.<sup>57</sup> This suggests the data concerning the overseas civilian community is less important to the FVAP. This situation necessitates a different approach to the different groups. The creation of the EAC acted as an important corrective to this ‘separateness’, however if the EAC does not survive, attention must be given to ensuring the unique set of circumstances that each component of the overseas community face when negotiating the overseas voting process are addressed fully. In this regard, if military voters were separated from civilian voters in terms of policy, this would permit the potential to explore larger normative questions concerning facilitating and ensuring the franchise for overseas civilians.

It would be important to continue to survey the American overseas community to extend and enhance the work begun by this research. Building a time series data set can test the durability of findings over extended periods of time. This is particularly important for this thesis in order to mediate for any potential ‘Obama effect’ in the survey results. One of the challenges of survey research is accessing potential respondents to ensure a large sample. This is particularly problematic concerning the overseas community because they are so dispersed. Initially, it was thought future survey attempts could be achieved through collaboration with key stakeholder groups who maintain extensive membership lists. This collaboration would overcome problems associated with the dispersed nature of the respondent set and facilitate capturing the widest cohort in the UOCAVA population as possible. But, as this research has shown, the political climate is not necessarily conducive to this strategy. If these collaborative relationships were formed, and there was potential for data to be suppressed due to partisan considerations, the parameters of that collaboration must be specifically articulated to prevent any data mismanagement. For example, The Federal Voting Assistance Program has indicated its intent to interface more extensively with the academic community to improve the quality of their data.<sup>58</sup> However, in this endeavour, they must be prepared for findings that may not support their preferences or goals. Recently, other researchers in areas linked to overseas absent voting have observed this same problem of a highly partisan environment in the overseas absent voting system.

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<sup>57</sup> Election Law Center, *Is the Obama Administration Raising the White Flag on the EAC?* and Election Law Center. *DOD, FVAP Attempts to Remove the Collection of State Election Data from the Independent Election Assistance Commission (EAC) and Remove any non-DOD Reports that Evaluate It.*

<sup>58</sup> See The Federal Voting Assistance Program, *Strategic Plan for Fiscal Years 2010-2017, Revised 5/15/2011.*

Candice Hoke and Matt Bishop are conducting research on technological solutions to facilitate overseas absent voting at the state level.<sup>59</sup> They depend on cooperation from state and local election officials in the collection of data. They have suggested promoting collaboration by ensuring anonymity to data source providers through the use of a Non-Disclosure Agreement.<sup>60</sup> This legally binding agreement ensures the source of data will not be reported in any publications. I support the use of a Non-Disclosure Agreement with key stakeholder groups to facilitate non-biased research concerning the overseas community. The difficulty may be ensuring non-disclosure by participants in surveys. However this could be mediated by carefully constructing the content of the survey.

Another strategy would be to attempt to expand the potential UOCAVA respondent group without the benefit of key stakeholder group membership lists. The potential for further survey work utilising UOCAVA registration data is a possibility as now each state is required to have a centralised registration list of overseas absent voters in accordance with HAVA. Survey work is routinely conducted using lists of registered voters in the continental United States.<sup>61</sup> Indeed, many states will provide full registration lists to researchers for free, and some may charge a small fee.<sup>62</sup> However one drawback to this is the potential cost in conducting a research project as extensive as this suggests. For example, the Voter Registration List Quality Pilot Study estimated their national study would cost approximately \$1,000,000 in addition to costs associated with design implementation and analysis.<sup>63</sup> While it seems reasonable utilising centralised voter registration lists could be useful in UOCAVA research, the costs may be prohibitive. A pilot study modelled after the Voter Registration List Quality Pilot Study would be useful in determining the quality of the overseas registration lists from select states, and the manner in which the lists could be used in conducting further survey research. For example, would contact with the potential participant be by mail, or is there an email address

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<sup>59</sup> Hoke, Candice and Bishop, Matt. 2010. Essential Research Needed to Support UOCAVA-MOVE Act Implementation at the State and Local Level. *OVF Research Newsletter*, 2(5).

<sup>60</sup> Hoke and Bishop, Essential Research Needed to Support UOCAVA-MOVE Act Implementation at the State and Local Level.

<sup>61</sup> The most notable election study utilising random sampling techniques from voter registration lists is The American National Election Study (ANES).

<sup>62</sup> Ansolabehere, Stephen, Hersh, Eitan, Gerber, Alan and Doherty, David. 2010. *Voter Registration List Quality Pilot Studies: Report on Methodology*. Washington, D.C.: The Pew Center on the States, pp. 7-8.

<sup>63</sup> Ansolabehere, Hersh, Gerber, and Doherty, *Voter Registration List Quality Pilot Studies: Report on Methodology*, p. 2.

provided on the registration list? Obviously, the result of this one factor would have significant cost implications. If an extension of the study seemed plausible, then a strategy to secure funding would be put into place stressing the potential impact of the research.

Concerning more specific avenues of research, the survey results of this research have shown that Americans residing overseas are different than Americans in the United States in a number of ways. For example, their partisan self-identification is distinctly different. Further, this research suggested that the impact of location and an alternative political discourse in the new resident country may contribute to this difference. However, some respondents indicated they left the United States due to ideological reasons. These two findings make identifying the a priori/a posteriori nature of partisan or ideological self-identification somewhat muddled. Research exploring the nature and extent of the influence of location and an alternative political discourse on political self-identification would make an important contribution to developing a fuller picture of the overseas community. This research would also contribute to the larger discourse concerning transnational migrants and social integration in the resident country.<sup>64</sup> Several points of enquiry could include whether an individual's partisan self-identification was present before that individual relocated or after, whether the partisan self-identification was the push factor in the relocation or a by-product of the relocation, or whether there is a point or threshold where there is no reconciling the partisan self-identification to the United States, thereby ensuring the individual will never return to the United States. In terms of executing this research agenda, a plausible strategy would be to utilise respondents from the ALA survey cohort who indicated they would be willing to participate in further research. Focus groups could be constructed or further survey instruments could be utilised.

In terms of attempting to improve overseas voter turnout, there must be more focus on mobilisation efforts by political parties and political candidates. As noted previously, political parties provide important cues that facilitate an individual's decision to vote. Political mobilisation efforts are generally directed at activities that are likely to produce desired outcomes. This means that parties will generally focus on contacting known party

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<sup>64</sup> See in particular Snel, E., Engbersen, G. and Leerkes, A. 2006. Transnational Involvement and Social Integration. *Global Networks*, 6(2), pp. 285-308.

members who are likely to provide the desired outcome by voting for the right candidate.<sup>65</sup> While this activity may not reach overseas voters who do not participate, this activity could improve the ballot return rate for American overseas voters who are registered. Chapter 4 indicated that the most recent EAC data for the 2010 midterm election indicated that 56.6 percent of ballots transmitted to overseas voters were not returned. Ballot transit problems cannot fully account for this large total, and it was suggested that voter apathy had some role in this situation. If parties focused their mobilisation efforts based on the centralised overseas voter registration lists maintained by the states, ballot return rates would likely rise. This is because UOCAVA voters must register continuously to receive an overseas ballot. Thus, all the ballots that are reported as transmitted by the states reflect a UOCAVA voter who has registered within the last two years in accordance with HAVA and the MOVE Act. This suggests the UOCAVA voter had at least some initial intent to participate simply by virtue of registering to vote as an overseas voter. Being mobilised by a political party could ensure the transmitted ballot is returned to be counted. There is evidence to suggest that political parties are recognising the importance of mobilising the overseas voter.<sup>66</sup> This may be driven by the increasing competitiveness and partisanship of elections in the United States.<sup>67</sup> As Fiorina aptly notes, sometimes people don't participate because no one asked.<sup>68</sup>

Finally, there are implications of the research on political science broadly, comparative politics and practitioners. Within the sphere of comparative politics, election processes, outcomes, and participation are common units of analysis. However, the globalisation of political, professional and personal life has increased the potential for election processes and outcomes to be influenced by citizens' electoral participation occurring outside the boundaries of their nation state. This thesis has highlighted this emerging trend by focusing on the political activity of Americans resident overseas, however the practice of this type of transnational political activity is now widespread. Indeed, 115 states and territories have

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<sup>65</sup> Kershaw, David, 2010. Mobilizing the Mobilized: The Electoral Recruitment Paradox. *American Politics Research*, 38(3), p. 426.

<sup>66</sup> See for example Starkweather, Sarah. 2010. Campaign Contributions by American Citizens Living Abroad, 1991- 2008. *OVF Research Newsletter*, 2(2).

<sup>67</sup> See Fiorina, Morris P. 2002. 'Parties, Participation, and Representation in America: Old Theories Face New Realities', in Katznelson, Ira and Milner, Helen (eds.), *Political Science: The State of the Discipline*. New York: Norton: 511-541, and Smith, Claire M., with Murray, Judith and Hall, Thad. 2012. *It's in the Mail: The Overseas and Military Voting Experience*. Manuscript submitted for publication.

<sup>68</sup> Fiorina, 'Parties, Participation, and Representation in America: Old Theories Face New Realities', p. 527.

legal provisions which allow their citizens to cast a vote in a domestic election from outside the borders of their nation state.<sup>69</sup> This trend is symptomatic of a broader transformation of the membership boundaries that define citizenship and citizenship duties. As a result, the traditional analysis of domestic politics is becoming increasingly challenged, highlighting the need to extend any analysis beyond the confines of the nation state. As Haynes notes, most comparative political analysis overlooks the impact of transnational connections and external actors on domestic politics.<sup>70</sup> Practitioners of comparative politics must embrace the broadening of the discipline in order to accurately account for the considerable degree of political engagement occurring outside the borders of nation states.<sup>71</sup>

This new paradigm should not dissuade practitioners. The potential for multiple avenues of comparative analysis concerning the political participation of diasporas is extensive. For example, The Institute for Democracy and Electoral Assistance (IDEA) produced the first cross national study of overseas voting processes.<sup>72</sup> Although this analysis is extensive, as is the case with other cross national studies, maintenance of accurate data sets is critical. This type of analysis provides an easy entry point to this new field, particularly as it is unclear if IDEA is fostering this type of maintenance activity. Further comparative opportunities exist concerning political parties. As this thesis highlighted, political parties from the United States are firmly established outside the borders of the U.S., however the same is true of the main political parties in the United Kingdom.<sup>73</sup> And many countries have established overseas constituencies in order to represent migrant groups who reside outside the boundaries of their home country yet retain citizenship in that country. What is clear is that traditional conceptions of political activity are changing due to the increased mobility of the world's population. As such, the most complete political analyses should, and indeed will, take into account the political participation of all the relevant citizens, regardless of their location in the world.

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<sup>69</sup> International Institute for Democracy and Electoral Assistance. 2007. *Voting from Abroad: The International IDEA Handbook*. Stockholm: IDEA, p. 11.

<sup>70</sup> Haynes, Jeffrey. 2005. *Comparative Politics in a Globalizing World*. Cambridge: Polity Press, p. 4.

<sup>71</sup> Vertovec, Steven. 2005. *The Political Importance of Diasporas*. The Centre on Migration, Policy and Society, Working Paper Number 13, The University of Oxford.

<sup>72</sup> International Institute for Democracy and Electoral Assistance. *Voting from Abroad: The International IDEA Handbook*.

<sup>73</sup> See for example Labour International, <http://www.labourinternational.net/>, or Conservatives Abroad, <http://www.conservativesabroad.org/>.

## **6.5 Final Thoughts**

The 2000 Presidential Election highlighted the imperfections in the United States electoral system. The 2000 Election also drew attention to American overseas voters by showing the difficulty this group faces when attempting to vote from overseas, and the potential impact this group of voters can have on electoral outcomes in the United States. This research sought to attempt to address several areas relevant to this group in order to enhance our understanding not only of the events of the 2000 Election, but of the lives of the American community resident overseas. These areas included creating a framework that explains the broader features of the overseas absent voting system, providing an assessment concerning the effectiveness of the Help America Vote Act of 2002 (HAVA) and the Military and Overseas Voter Empowerment Act of 2009 (MOVE) at improving overseas turnout, and collecting data that elucidates the demographic characteristics of the American overseas community and their propensity to participate in politics in the United States.

This research has enabled a more complete understanding of the UOCAVA community to begin to emerge. Because of this research, the unique characteristics of the UOCAVA community have been highlighted. Several misconceptions have been challenged, but significant new information was uncovered. Political participation continues to be low in the UOCAVA community, however as elections become increasingly competitive in the United States, politicians and political parties will redirect their attention to the overseas community to ensure electoral success. Combined with the prospect of increasing numbers of Americans relocating abroad for work, study or other personal reasons, the UOCAVA community most likely will become the focus of increasing public attention and will surely remain the subject of continued policy debate.

**Appendix A: Final National Vote Count for the 2000 Presidential Election: George W. Bush and Albert Gore, Jr.<sup>1</sup>**

	<b>George W. Bush Richard Cheney</b>	<b>Albert Gore, Jr. Joseph Lieberman</b>
<b>Alabama (AL)</b>	941,173	692,611
<b>Alaska (AK)</b>	167,398	79,004
<b>Arizona (AZ)</b>	781,652	685,341
<b>Arkansas (AR)</b>	472,940	422,768
<b>California (CA)</b>	4,567,429	5,861,203
<b>Colorado (CO)</b>	883,748	738,227
<b>Connecticut (CT)</b>	561,094	816,015
<b>Delaware (DE)</b>	137,288	180,068
<b>District of Columbia (DC)</b>	18,073	171,923
<b>Florida (FL)</b>	2,912,790	2,912,253
<b>Georgia (GA)</b>	1,419,720	1,116,230
<b>Hawaii (HI)</b>	137,845	205,286
<b>Idaho (ID)</b>	336,937	138,637
<b>Illinois (IL)</b>	2,019,421	2,589,026
<b>Indiana (IN)</b>	1,245,836	901,980
<b>Iowa (IA)</b>	634,373	638,517
<b>Kansas (KS)</b>	622,332	399,276
<b>Kentucky (KY)</b>	872,492	638,898
<b>Louisiana (LA)</b>	927,871	792,344
<b>Maine (ME)</b>	286,616	319,951
<b>Maryland (MD)</b>	813,797	1,145,782
<b>Massachusetts (MA)</b>	878,502	1,616,487
<b>Michigan (MI)</b>	1,953,139	2,170,418
<b>Minnesota (MN)</b>	1,109,659	1,168,266
<b>Mississippi (MS)</b>	572,844	404,614
<b>Missouri (MO)</b>	1,189,924	1,111,138
<b>Montana (MT)</b>	240,178	137,126
<b>Nebraska (NE)</b>	433,862	231,780
<b>Nevada (NV)</b>	301,575	279,978
<b>New Hampshire (NH)</b>	273,559	266,348
<b>New Jersey (NJ)</b>	1,284,173	1,788,850
<b>New Mexico (NM)</b>	286,417	286,783
<b>New York (NY)</b>	2,403,374	4,107,697
<b>North Carolina (NC)</b>	1,631,163	1,257,692
<b>North Dakota (ND)</b>	174,852	95,284
<b>Ohio (OH)</b>	2,351,209	2,186,190
<b>Oklahoma (OK)</b>	744,337	474,276
<b>Oregon (OR)</b>	713,577	720,342
<b>Pennsylvania (PA)</b>	2,281,127	2,485,967

<sup>1</sup> Federal Election Commission. 2001. *2000 Official Presidential General Election Results*. (<http://www.fec.gov/pubrec/2000presgeresults.htm>, 9 September 2009).

<b>Rhode Island (RI)</b>	130,555	249,508
<b>South Carolina (SC)</b>	785,937	565,561
<b>South Dakota (SD)</b>	190,700	118,804
<b>Tennessee (TN)</b>	1,061,949	981,720
<b>Texas (TX)</b>	3,799,639	2,433,746
<b>Utah (UT)</b>	515,096	203,053
<b>Vermont (VT)</b>	119,775	149,022
<b>Virginia (VA)</b>	1,437,490	1,217,290
<b>Washington (WA)</b>	1,108,864	1,247,652
<b>West Virginia (WV)</b>	336,475	295,497
<b>Wisconsin (WI)</b>	1,237,279	1,242,987
<b>Wyoming (WY)</b>	147,947	60,481
<b>TOTAL</b>	<b>50,456,002</b> <b>47.87%</b>	<b>50,999,897</b> <b>48.38%</b>

**Appendix B: Final Vote Count for the 2000 Presidential Election: The State of Florida by County.<sup>1</sup>**

	<b>George W. Bush Richard Cheney</b>	<b>Albert Gore, Jr. Joseph Lieberman</b>
<b>Alachua</b>	34,125	47,380
<b>Baker</b>	5,611	2,392
<b>Bay</b>	38,682	18,873
<b>Bradford</b>	5,416	3,075
<b>Brevard</b>	115,253	97,341
<b>Broward</b>	177,939	387,760
<b>Calhoun</b>	2,873	2,156
<b>Charlotte</b>	35,428	29,636
<b>Citrus</b>	29,801	25,531
<b>Clay</b>	41,903	14,668
<b>Collier</b>	60,467	29,939
<b>Columbia</b>	10,968	7,049
<b>De Soto</b>	4,256	3,321
<b>Dixie</b>	2,697	1,827
<b>Duval</b>	152,460	108,039
<b>Escambia</b>	73,171	40,990
<b>Flagler</b>	12,618	13,897
<b>Franklin</b>	2,454	2,047
<b>Gadsden</b>	4,770	9,736
<b>Gilchrist</b>	3,300	1,910
<b>Glades</b>	1,841	1,442
<b>Gulf</b>	3,553	2,398
<b>Hamilton</b>	2,147	1,723
<b>Hardee</b>	3,765	2,342
<b>Hendry</b>	4,747	3,240
<b>Hernando</b>	30,658	32,648
<b>Highlands</b>	20,207	14,169
<b>Hillsborough</b>	180,794	169,576
<b>Holmes</b>	5,012	2,177
<b>Indian River</b>	28,639	19,769
<b>Jackson</b>	9,139	6,870
<b>Jefferson</b>	2,478	3,041
<b>Lafayette</b>	1,670	789
<b>Lake</b>	50,010	36,571
<b>Lee</b>	106,151	73,571
<b>Leon</b>	39,073	61,444
<b>Levy</b>	6,863	5,398
<b>Liberty</b>	1,317	1,017

<sup>1</sup> Florida Department of State, Division of Elections. 2001. *Election Results, November 7, 2000 General Election*. (<http://election.dos.state.fl.us/elections/resultsarchive/Index.asp?ElectionDate=11/7/00&DATAMODE>, 9 September 2009).

<b>Madison</b>	3,038	3,015
<b>Manatee</b>	58,023	49,226
<b>Marion</b>	55,146	44,674
<b>Martin</b>	33,972	26,621
<b>Miami-Dade</b>	289,574	328,867
<b>Monroe</b>	16,063	16,487
<b>Nassau</b>	16,408	6,955
<b>Okaloosa</b>	52,186	16,989
<b>Okeechobee</b>	5,057	4,589
<b>Orange</b>	134,531	140,236
<b>Osceola</b>	26,237	28,187
<b>Palm Beach</b>	152,964	269,754
<b>Pasco</b>	68,607	69,576
<b>Pinellas</b>	184,849	200,657
<b>Polk</b>	90,310	75,207
<b>Putnam</b>	13,457	12,107
<b>Santa Rosa</b>	36,339	12,818
<b>Sarasota</b>	83,117	72,869
<b>Seminole</b>	75,790	59,227
<b>St. Johns</b>	39,564	19,509
<b>St. Lucie</b>	34,705	41,560
<b>Sumter</b>	12,127	9,637
<b>Suwannee</b>	8,009	4,075
<b>Taylor</b>	4,058	2,649
<b>Union</b>	2,332	1,407
<b>Volusia</b>	82,368	97,313
<b>Wakulla</b>	4,512	3,838
<b>Walton</b>	12,186	5,643
<b>Washington</b>	4,995	2,798
<b>TOTAL</b>	<b>2,912,790</b>	<b>2,912,253</b>
	<b>48.847%</b>	<b>48.838%</b>

## **Appendix C: Americans Living Abroad Survey**

## Americans Living Abroad

Thank you for participating in this survey. This survey is non partisan and strictly for academic purposes. It should take approximately 10 minutes to complete. All responses will be anonymous and held securely in the strictest of confidence. Respondents can not be identified unless they agree to be contacted for further interviews. Please note you may go back at any time to change or correct an answer you have provided while taking the survey. Your answers are very important and will help inform recommendations to improve the voting system for Americans living abroad, as well as provide important information about what it's like to be American and live abroad. If you have further questions about this important research, please contact Judith Murray at [judith.murray1@newcastle.ac.uk](mailto:judith.murray1@newcastle.ac.uk).

To begin, we would like to ask you a few questions about yourself.

**1. What is your age?**

- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65 or over

**2. Are you male or female?**

- Male
- Female

**3. Were you born in the United States?**

- Yes
- No

**4. What is your state of legal residence in the United States?**

## Americans Living Abroad

**5. How attached are you to the last place in the United States you lived? Please indicate your attachment for each location according to the scale provided where 0 indicates no attachment at all and 10 indicates a very strong attachment.**

	No attachment at all 0	1	2	3	4	5	6	7	8	9	Very strong attachment 10
The neighborhood or village in which you last lived in the United States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The city in which you last lived in the United States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The state in which you last lived in the United states	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The United States as a whole	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**6. Where were your parents or guardians born?**

- Both parents or guardians born in the United States
- One parent or guardian born in the United States
- Neither parent or guardian born in the United States

**7. What is your ethnicity?**

- |  |  |  |
|--|--|--|
| <input type="radio"/> White                                    | <input type="radio"/> American Indian or Alaska Native | <input type="radio"/> Korean                 |
| <input type="radio"/> Black, African American                  | <input type="radio"/> Asian Indian                     | <input type="radio"/> Vietnamese             |
| <input type="radio"/> Mexican, Mexican American or Chicano     | <input type="radio"/> Chinese                          | <input type="radio"/> Native Hawaiian        |
| <input type="radio"/> Puerto Rican                             | <input type="radio"/> Filipino                         | <input type="radio"/> Guamanian or Chamorro  |
| <input type="radio"/> Cuban                                    | <input type="radio"/> Other Asian                      | <input type="radio"/> Samoan                 |
| <input type="radio"/> Other Hispanic, Latino or Spanish origin | <input type="radio"/> Japanese                         | <input type="radio"/> Other Pacific Islander |

Other - please specify

## Americans Living Abroad

### 8. What is your marital status?

- Married
- Living with partner
- Widowed
- Divorced
- Separated
- Never married

### 9. What is the highest degree or level of school you have completed?

- 12th grade or less - no diploma
- Regular high school diploma, GED or alternative credential
- College education - no degree
- Associate's degree (for example AA or AS)
- Bachelor's degree (for example BA or BS)
- Master's degree (for example MA, MS, MEng, MEd, MSW, MBA)
- Professional degree beyond a bachelor's degree (for example MD, DOS, DVM, LLB, JD)
- Doctorate degree (for example PhD, EdD)

### 10. Have you ever served on active duty in the US Armed Forces, Military Reserves, or National Guard?

- Yes now on active duty
- Yes on active duty during the last 12 months, but not now
- Yes on active duty in the past, but not during the last 12 months
- No, training for Reserves or National Guard only
- No, never served in the military

Please indicate your branch of military service.

### 11. What is your occupation?

## Americans Living Abroad

**12. Listed below are a range of organizations that may be available to you while you are living abroad. Please indicate all the ways you are currently involved in these organizations in the country you currently live.**

	Member	Participate in activities and/or volunteer	Donate money	Have personal friends in these organizations	No involvement at all in these organizations
Sports clubs or outdoor activity clubs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Youth, student or parent organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Citizen groups, for example environmental, human rights, animal rights or peace organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charity or social welfare organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Organizations for medical patients, the disabled or specific illnesses	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pensioners or retired persons organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
US Political party representation abroad	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trade Unions, business or employer organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Professional or womens associations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural, musical, dancing, or theater societies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Residents housing or neighborhood associations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ethnic minority organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religious or church organizations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Veterans or military associations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Americans Living Abroad

Other club or organization (please specify)

**13. In political matters, some people consider themselves to be extremely liberal and some people consider themselves to be extremely conservative. Where would you place yourself on this scale?**

- Very liberal
- Liberal
- Slightly liberal
- Moderate; middle of the road
- Slightly conservative
- Conservative
- Very conservative
- Haven't thought about it much
- Don't know

## Americans Living Abroad

**14. If you think about the following people, would you say you share the same political views, or are there important differences between you?**

	We share the same views	Sometimes we have different views	There are important differences in our views	Don't know	Not applicable
Your friends in your country of residence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your friends in the United States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your family in your country of residence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your family in the United States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your neighbors in your country of residence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your neighbors in the United States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your co-workers or colleagues in your country of residence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your co-workers or colleagues in the United States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Members of other organizations you belong to in your country of residence	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Members of other organizations you belong to in the United States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Americans Living Abroad

In this section, we would like to ask some questions regarding your interest in politics and the sources of information you use to find out about news and political issues.

**15. In general, how interested are you in United States politics?**

- Very interested
- Fairly interested
- Not very interested
- Not at all interested

**16. While you were growing up, how frequently were political discussions held at home?**

- Everyday
- Very often
- Occasionally
- Rarely
- Never

**17. How interested were you in the 2008 Presidential Election?**

- Very interested
- Fairly interested
- Not very interested
- Not at all interested

## Americans Living Abroad

**18. How often would you say you discussed the 2008 Presidential Election with the following groups of people?**

	Everyday	3-4 times per week	1-2 times per week	Less frequently	Never	Not applicable
Your friends in your country of residence	<input type="radio"/>					
Your friends in the United States	<input type="radio"/>					
Your family in your country of residence	<input type="radio"/>					
Your family in the United States	<input type="radio"/>					
Your neighbors in your country of residence	<input type="radio"/>					
Your neighbors in the United States	<input type="radio"/>					
Your co-workers or colleagues in your country of residence	<input type="radio"/>					
Your co-workers or colleagues in the United States	<input type="radio"/>					
Members of other organizations you belong to in your country of residence	<input type="radio"/>					
Members of other organizations you belong to in the United States	<input type="radio"/>					

## Americans Living Abroad

### 19. How often did you read or watch the following sources to get information regarding the 2008 Presidential Election?

	Everyday	3-4 times per week	1-2 times per week	Less frequently	Never
Hard copies of US newspapers	<input type="radio"/>				
Online versions of US newspapers	<input type="radio"/>				
Non US newspapers in either hard copy or online formats	<input type="radio"/>				
News television originating in the US	<input type="radio"/>				
News television not originating in the US	<input type="radio"/>				
New media sources such as YouTube and/or blogs	<input type="radio"/>				

Other (please specify)

### 20. Which of the following was your main source of information regarding the 2008 Presidential Election?

- Hard copies of US newspapers  
 Online versions of US newspapers  
 Non US newspapers in either hard copy or online formats  
 News television originating in the US  
 News television not originating in the US  
 New media sources such as YouTube and/or blogs

Other (please specify)

### 21. How often would you say you vote in United States elections?

- Always  
 Nearly always  
 Part of the time  
 Seldom  
 Never

## Americans Living Abroad

**22. Generally speaking, do you believe you have a duty to vote in every national election?**

- Yes
- No

**23. Generally speaking, do you believe that American citizens residing abroad have a duty to vote in every national election?**

- Yes
- No

**24. Thinking back to the 2004 Presidential Election, did you vote in that election?**

- Yes I voted in the United States
- Yes I voted from abroad
- No I did not vote
- I do not recall

**25. Thinking about your prior experiences of voting in United States elections from abroad, do you think the voting process in the 2008 Presidential Election was different?**

- The process was easier than prior elections
- The process was about the same as prior elections
- The process was more difficult than prior elections
- I have never voted from abroad before

## Americans Living Abroad

**26. For the 2008 Presidential Election, did you have to register to vote or were you already registered to vote in your state of legal residence?**

- I had to register to vote
- I was already registered to vote in my state of legal residence
- I did not want to register to vote

## Americans Living Abroad

Now we would like to ask some questions regarding your experience registering to vote in the 2008 Presidential Election.

**27. If you had to register to vote in the 2008 Presidential Election, how did you register?**

- I used the Federal Post Card Application
- I registered at a consulate or embassy
- I registered online from abroad through my state of legal residence
- I registered in person in my state of legal residence

Other (please specify)

**28. How did you obtain your Federal Post Card Application to register to vote in the 2008 Presidential Election?**

- I did not use the Federal Post Card Application
- Through the Federal Voters Assistance Program
- Through my state of legal residence
- From a US embassy or consulate
- From a group or organization that assists with voter registration

Please indicate the name of the organization that assisted you to register

**29. How did you return or transmit your registration material to the relevant state authority for the 2008 Presidential Election?**

- By mail/post
- Online transmission
- By fax
- Through an embassy or consulate
- Through an organization that assists with voter registration

Please indicate the name of the organization that assisted you in transmitting your voter registration.

## Americans Living Abroad

**30. Some Americans living abroad may have experienced problems or difficulties trying to register to vote for the 2008 Presidential Election. Please select any of the following statements that apply to your experience trying to register to vote for the 2008 Presidential Election.**

- I was unable to obtain material to register to vote
- My registration material was not received by my state of legal residence
- My registration material was not accepted by my state of legal residence
- I had to travel to another location to obtain my registration material
- I had to have witnesses in order to register to vote
- I had to have registration material notarized
- None of the above

Other (please specify)

**31. If you had to travel to obtain material to register to vote in the 2008 Presidential Election, how far did you have to travel?**

- I did not have to travel
- Less than 10 miles
- 11-50 miles
- 51-100 miles
- 101-150 miles
- Greater than 150 miles

**32. In some instances, you may have incurred a fee for various services, such as a notary, in order to register to vote. What was the total cost you incurred in USD?**

- I incurred no fees
- Less than \$50.00
- \$51.00-\$100.00
- \$101.00-\$200.00
- Greater than \$200.00

## Americans Living Abroad

**33. Did you vote in the 2008 Presidential Election?**

Yes

No

## Americans Living Abroad

Now we would like to ask some questions regarding your experience voting in the 2008 Presidential Election.

**34. How did you vote in the 2008 Presidential Election?**

- I voted in person in my state of legal residence
- I voted by absentee ballot while in my state of legal residence
- I voted by absentee ballot from abroad
- I used the Federal Write in Absentee Ballot to vote from abroad

Other (please specify)

**35. If you voted by absentee ballot from abroad, how did you obtain your absentee ballot?**

- I did not vote from abroad
- I requested my absentee ballot using the Federal Post Card Application
- I obtained my absentee ballot through the Federal Voters Assistance Program
- I obtained my absentee ballot directly from my state of legal residence
- I obtained my absentee ballot from a US embassy or consulate
- I obtained my absentee ballot from a group or organization that assists with obtaining absentee ballots

Please indicate the name of the organization that assisted you in obtaining an absentee ballot.

**36. Did you receive your absentee ballot in time to vote in the 2008 Presidential Election?**

- Yes
- No

**37. If you did not receive your absentee ballot in time to vote in the 2008 Presidential Election, did you utilize the Federal Write in Absentee Ballot?**

- Yes
- No
- Not applicable as I received my absentee ballot in time

**38. How did you return or transmit your absentee ballot to the relevant state authority to be counted in the 2008 Presidential Election?**

- By mail/post
- Online transmission
- By fax
- Through an embassy or consulate
- Through an organization that assists with transmitting absentee ballots

Please indicate the name of the organization that assisted you in transmitting your absentee ballot.

## Americans Living Abroad

**39. Some Americans living abroad may have experienced problems or difficulties trying to vote in the 2008 Presidential Election. Please select any of the following statements that apply to your experience trying to vote in the 2008 Presidential Election.**

- I was unable to obtain material to vote
- I had to travel to another location to obtain material to vote
- While living abroad, I had to travel to another location to cast my ballot in the 2008 Presidential Election
- I had to have witnesses in order to vote
- I had to have voting material notarized
- None of the above

Other (please specify)

**40. If you had to travel to obtain material to vote or to cast your ballot from abroad in the 2008 Presidential Election, how far did you have to travel?**

- I did not have to travel
- Less than 10 miles
- 11-50 miles
- 51-100 miles
- 101-150 miles
- Greater than 150 miles

**41. In some instances, you may have incurred a fee for various services, such as a notary, in order to vote. What was the total cost you incurred in USD?**

- I incurred no fees
- Less than \$50.00
- \$51.00-\$100.00
- \$101.00-\$200.00
- Greater than \$200.00

## Americans Living Abroad

In this section, we would like to ask a few questions about your views regarding some issues that may be important to Americans living abroad.

**42. There are many good reasons why people don't vote or are unable to vote. If you did not vote in the 2008 Presidential Election, why? Please select all the reasons that apply to you.**

- Not applicable to me as I voted
- I could not access registration material
- I could not access voting material
- I missed the deadline to register
- I missed the deadline to vote
- My registration material was not accepted
- My ballot was not received in time or accepted
- I did not want to identify my location to the Federal Government by voting
- I did not trust the system of voting for overseas citizens
- I did not believe my vote would be properly counted
- I do not think my vote counts for much
- I did not like any of the candidates
- My candidate of choice was not included on the ballot
- I did not have time to vote

Other (please specify)

**43. Thinking about the Democratic Party, where would you place it on this scale?**

- Very liberal
- Liberal
- Slightly liberal
- Moderate; middle of the road
- Slightly conservative
- Conservative
- Very conservative
- Haven't thought about it much
- I don't know

## Americans Living Abroad

**44. Using the same scale, where would you place the Republican Party?**

- Very liberal
- Liberal
- Slightly liberal
- Moderate; middle of the road
- Slightly conservative
- Conservative
- Very conservative
- Haven't thought about it much
- I don't know

**45. To what extent do you agree or disagree with the following statement: 'The US Federal Government cares about what Americans living abroad think'.**

- Agree strongly
- Agree somewhat
- Neither agree nor disagree
- Disagree somewhat
- Disagree strongly

**46. To what extent do you agree or disagree with the following statement: 'Overseas voters like me don't have any say about what the US Federal Government does'.**

- Agree strongly
- Agree somewhat
- Neither agree nor disagree
- Disagree somewhat
- Disagree strongly

**47. Since the 2004 Presidential Election, how would you rate the reputation of the United States in the world?**

- The reputation of the United States has fallen
- The reputation of the United States has stayed the same
- The reputation of the United States has increased
- Don't know

## Americans Living Abroad

**48. Since the 2004 Presidential Election, how would you rate the influence of the United States in the world?**

- The influence of the United States has fallen
- The influence of the United States has stayed the same
- The influence of the United States has increased
- Don't know

**49. In recent years, how comfortable have you felt identifying yourself as an American while residing abroad?**

- I have felt very comfortable
- I have felt somewhat comfortable
- I have felt neither comfortable nor uncomfortable
- I have felt somewhat uncomfortable
- I have felt very uncomfortable

**50. Have you encountered any anti-American sentiment while residing abroad?**

- I have encounter this a great deal
- I have encountered this occasionally
- I have encountered this very little
- I have never encountered this
- I don't know

## Americans Living Abroad

And finally, we would like to ask a few questions regarding your views about some things that may affect some Americans living abroad or may be of interest to some Americans living abroad.

**51. What is your current country of residence?**

**52. How long have you lived in this country?**

- |  |   |
|--|---|
| <input type="radio"/> Less than 1 year | <input type="radio"/> 5-6 years         |
| <input type="radio"/> 1-2 years        | <input type="radio"/> 6-7 years         |
| <input type="radio"/> 2-3 years        | <input type="radio"/> 7-8 years         |
| <input type="radio"/> 3-4 years        | <input type="radio"/> more than 8 years |
| <input type="radio"/> 4-5 years        |   |

**53. How attached are you to the place in which you now currently live? Please indicate your attachment to each place using the scale provided where 0 indicates no attachment at all and 10 indicates a very strong attachment.**

	No attachment at all 0	1	2	3	4	5	6	7	8	9	Very strong attachment 10
The neighborhood or village in which you currently live	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The city in which you currently live	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The region, territory or state in which you currently live	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The country in which you currently live	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## Americans Living Abroad

**54. Using the same scale, how attached do you feel to different groups of people in the place in which you now currently live?**

	No attachment at all 0	1	2	3	4	5	6	7	8	9	Very strong attachment 10
People from the country where I currently live	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People who are Americans residing abroad like me	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People with the same religion as me	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People with the same cultural background as me, for example language or ethnicity	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People from the same social class as me	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
People with the same interests as me	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**55. Thinking about the next 4 years, do you expect to return to live in the United States or continue to live abroad?**

- I expect to return to the United States to live
- I expect to continue to live abroad
- Not certain

**56. With the exception of the United States, how many different countries have you lived in?**

- 1
- 2
- 3
- 4 or more

## Americans Living Abroad

**57. Listed below are various activities and situations that may affect or apply to some Americans living abroad. Please select all activities and situations that apply to you.**

- I help members of my family in the United States financially
- I send goods to my family in the United States
- I own property in the United States
- I contribute to charities in the United States
- I am a shareholder in companies in the United States
- I conduct trade with businesses in the United States
- None of the above

**58. Do you have dual citizenship, that is are you a citizen of the United States as well as another country?**

- Yes
- No

**59. Which statement best describes why you live overseas and not in the United States?**

- I was sent overseas by my employer
- I choose to work overseas
- I am retired and choose to live overseas
- I am currently an international student
- I was an international student but have remained overseas
- I joined my spouse or partner who resides overseas
- I am currently serving in the military

Other (please specify)

**60. On average, how often do you return to the United States to see family and friends or for other personal reasons?**

- Never
- On average, less than once a year
- On average, once a year
- On average, twice a year
- On average, three times a year
- On average, four times a year
- On average, more than four times a year

## Americans Living Abroad

**61. On average, how often do you travel to the United States for business?**

- Never
- On average, less than once a year
- On average, once a year
- On average, twice a year
- On average, three times a year
- On average, four times a year
- On average, more than four times a year

**62. We would be grateful to speak to you further about your responses and ask you a few more questions about what it's like living abroad. If you would be willing to participate further in this important study, please provide your email address and we will contact you soon.**

**Email Address:**

## **Appendix D: Survey Frequencies**

Question	Layer One Response Option	Layer Two Response Option	Valid Response Percent	Valid Response Count	Missing Value
1. What is your age? n = 697	18-24		3.4	24	4
	25-34		12.6	88	
	35-44		19.5	136	
	45-54		20.7	144	
	55-64		23.2	162	
	65 or over		20.5	143	
2. Are you male or female? n = 697	Male		32.9	229	4
	Female		67.1	468	
3. Were you born in the United States? n = 696	Yes		90.8	632	5
	No		9.2	64	
4. What is your state of legal residence in the United States? n = 690	Alabama		0.7	5	11
	Alaska		0.1	1	
	Arkansas		0.4	3	
	Arizona		0.6	4	
	California		12.3	85	
	Colorado		3.0	21	
	Connecticut		1.6	11	
	Delaware		0.1	1	
	Florida		4.6	32	
	Georgia		1.0	7	
	Hawaii		0.6	4	
	Idaho		0.6	4	
	Illinois		5.4	37	
	Indiana		1.4	10	
	Iowa		1.0	7	
	Kansas		0.9	6	
	Kentucky		0.4	3	
	Louisiana		0.9	6	
Maine		0.7	5		
Maryland		3.5	24		

	Massachusetts		4.3	30	
	Michigan		1.3	9	
	Minnesota		2.2	15	
	Missouri		1.0	7	
	Mississippi		0.0	0	
	Montana		0.0	0	
	Nebraska		0.1	1	
	Nevada		0.4	3	
	New Hampshire		0.7	5	
	New Jersey		3.5	24	
	New Mexico		0.7	5	
	New York		11.0	76	
	North Carolina		1.7	12	
	North Dakota		0.1	1	
	Ohio		3.3	23	
	Oklahoma		0.3	2	
	Oregon		1.9	13	
	Pennsylvania		5.9	41	
	Rhode Island		0.7	5	
	South Carolina		0.6	4	
	South Dalota		0.4	3	
	Tennessee		0.9	6	
	Texas		4.3	30	
	Utah		0.6	4	
	Vermont		0.3	2	
	Virginia		2.6	18	
	Washington, D.C.		1.4	10	
	Washington State		2.6	18	
	West Virginia		0.3	2	
	Wisconsin		1.3	9	
	Wyoming		0.0	0	
	US Citizen - no state given		2.6	18	

	Don't know/not sure		0.3	2	
	None		1.3	9	
	Other		1.0	7	
5. How attached are you to the last place in the United States you lived? Please indicate your attachment for each location according to the scale provided where 0 indicates no attachment at all and 10 indicates a very strong attachment. n = 699	The neighborhood or village in which you last lived in the United States.	No attachment at all 0	13.4	94	2
		1	7.7	54	
		2	9.3	65	
		3	5.6	39	
		4	5.0	35	
		5	9.9	69	
		6	8.3	58	
		7	9.0	63	
		8	10.3	72	
		9	6.2	43	
		Very strong attachment 10	13.0	91	
	The city in which you last lived in the United States.	No attachment at all 0	8.9	62	
		1	6.4	45	
		2	7.3	51	
		3	7.4	52	
		4	6.3	44	
		5	7.3	51	
		6	8.4	59	
		7	9.3	65	
		8	11.4	80	
		9	8.9	62	
		Very strong attachment 10	16.2	113	
	The state in which you last lived in the United States.	No attachment at all 0	8.6	60	
		1	7.7	54	
		2	7.9	55	
		3	5.9	41	
		4	7.2	50	
		5	8.2	57	

		6	7.9	55	
		7	8.2	57	
		8	11.7	82	
		9	8.2	57	
		Very strong attachment 10	16.5	115	
	The United States as a whole.	No attachment at all 0	0.9	6	
		1	1.4	10	
		2	1.9	13	
		3	5.2	36	
		4	2.4	17	
		5	7.4	52	
		6	6.7	47	
		7	11.3	79	
		8	13.6	95	
		9	14.0	98	
		Very strong attachment 10	33.8	236	
6. Where were your parents born? n = 698	Both parents or guardians born in		73.5	513	3
	One parent or guardian born in the United States		14.8	103	
	Neither parent or guardian born in the United States		11.7	82	
7. What is your ethnicity? n = 693	White		93.2	646	8
	Black, African American		2.0	14	
	Mexican, Mexican American or Chicano		0.4	3	
	Puerto Rican		0.1	1	
	Cuban		0.3	2	
	Other Hispanic, Latino or Spanish origin		0.6	4	
	American Indian or Alaskan Native		0.1	1	
	Asian Indian		0.4	3	
	Chinese		0.4	3	
	Filipino		0.6	4	
	Other Asian		0.9	6	
	Japanese		0.4	3	
	Korean		0.0	0	
	Vietnamese		0.1	1	

	Native Hawaiian		0.0	0	
	Guamanian or Chamorro		0.0	0	
	Samoan		0.1	1	
	Other Pacific Islander		0.1	1	
8. What is your marital status? n = 698	Married		59.5	415	3
	Living with Partner		9.6	67	
	Widowed		2.3	16	
	Divorced		12.6	88	
	Separated		1.7	12	
	Never married		14.3	100	
9. What is the highest degree or level of school you have completed? n = 698	12th grade or less - no diploma		0.0	0	3
	Regular high school diploma, GED or alternative credential		2.1	15	
	College education - no degree		8.6	60	
	Associates degree (for example AA or AS)		1.9	13	
	Bachelor's degree (for example BA or BS)		32.4	226	
	Master's degree (for example MA, MS, MEng, MEd, MSW, MBA)		35.8	250	
	Professional degree beyond a bachelor's degree (for example MD, DOS, DVM, LLB, JD)		5.9	41	
	Doctorate degree (for example PhD, EdD)		13.3	93	
10. Have you ever served on active duty in the US Armed Forces, Military Reserves, or National Guard? n = 693	Yes now on active duty		0.4	3	8
	Yes on active duty during the last 12 months, but not now		0.0	0	
	Yes on active duty in the past, but not during the last 12 months		5.2	36	
	No, training for Reserves or National Guard only		1.6	11	

	No, never served in the military		92.8	643	
11. What is your occupation? n = 689	Academic		22.9	158	12
	Retired		17.6	121	
	Arts, Design, Entertainment, Sports and Media		10.4	72	
	Management		8.6	59	
	Healthcare		5.2	36	
	Business and Finance		5.2	36	
	Government and Public Sector		4.9	34	
	Student		4.1	28	
	Computer and Mathematical		3.5	24	
	Homemaker		3.2	22	
	Self Employed		2.9	20	
	Office and Administrative Support		2.3	16	
	Life, Physical and Social Science		2.0	14	
	Architecture and Engineering		1.6	11	
	Service Sector		1.5	10	
	Legal		1.3	9	
	Unemployed		1.2	8	
	Sales		0.9	6	
	Clergy		0.6	4	
	Construction		0.1	1	
12. Listed below are a range of organizations that may be available to you while you are living abroad. Please indicate all the ways you are currently involved in these organizations in the country you currently live. n = 692	Sports clubs or outdoor activity clubs	Member	20.4	141	9
		Participate in activities and/or volunteer	15.2	105	
		Donate money	1.7	12	
		Have personal friends in these organizations	25.3	175	
		No involvement in these organizations	43.8	303	
	Youth, student or parent organizations	Member	11.6	80	

		Participate in activities and/or volunteer	17.5	121	
		Donate money	5.9	41	
		Have personal friends in these organizations	18.9	131	
		No involvement in these organizations	53.5	370	
	Citizens groups, for example environmental, human rights, animal rights or peace organizations	Member	21.1	146	
		Participate in activities and/or volunteer	19.7	136	
		Donate money	24.6	170	
		Have personal friends in these organizations	29.0	201	
		No involvement in these organizations	32.5	225	
	Charity or social welfare organizations	Member	15.0	104	
		Participate in activities and/or volunteer	21.2	147	
		Donate money	37.9	262	
		Have personal friends in these organizations	23.6	163	
		No involvement in these organizations	28.2	195	
	Organizations for medical patients, the disabled or specific illnesses	Member	6.1	42	
		Participate in activities and/or volunteer	7.7	53	
		Donate money	18.1	125	
		Have personal friends in these organizations	15.0	104	
		No involvement in these organizations	49.9	345	
	Pensioners or retired persons organizations	Member	7.9	55	

		Participate in activities and/or volunteer	4.9	34	
		Donate money	1.9	13	
		Have personal friends in these organizations	11.1	77	
		No involvement in these organizations	64.5	446	
	US political party representation abroad	Member	60.3	417	
		Participate in activities and/or volunteer	29.6	205	
		Donate money	19.2	133	
		Have personal friends in these organizations	23.6	163	
		No involvement in these organizations	15.2	105	
	Trade Unions, business or employer organizations	Member	17.6	122	
		Participate in activities and/or volunteer	7.7	53	
		Donate money	2.3	16	
		Have personal friends in these organizations	16.2	112	
		No involvement in these organizations	50.7	351	
	Professional or women's associations	Member	30.6	212	
		Participate in activities and/or volunteer	18.1	125	
		Donate money	6.5	45	
		Have personal friends in these organizations	20.8	144	
		No involvement in these organizations	39.3	272	
	Cultural, musical, dancing or theater societies	Member	23.6	163	
		Participate in activities and/or volunteer	24.1	167	
		Donate money	10.5	73	

		Have personal friends in these organizations	26.3	182	
		No involvement in these organizations	32.5	225	
	Residents housing or neighborhood associations	Member	16.5	114	
		Participate in activities and/or volunteer	13.0	90	
		Donate money	2.5	17	
		Have personal friends in these organizations	11.7	81	
		No involvement in these organizations	55.6	385	
	Ethnic minority organizations	Member	2.5	17	
		Participate in activities and/or volunteer	3.3	23	
		Donate money	1.4	10	
		Have personal friends in these organizations	10.3	71	
		No involvement in these organizations	68.2	472	
	Religious or church organizations	Member	18.2	126	
		Participate in activities and/or volunteer	16.0	111	
		Donate money	11.7	81	
		Have personal friends in these organizations	21.8	151	
		No involvement in these organizations	50.0	346	
	Veterans or military associations	Member	1.4	10	
		Participate in activities and/or volunteer	0.7	5	
		Donate money	0.1	1	
		Have personal friends in these organizations	5.3	37	
		No involvement in these organizations	72.8	504	

13. In political matters, some people consider themselves to be extremely liberal and some people consider themselves to be extremely conservative. Where would you place yourself on this scale? n = 695	Very liberal		30.2	210	6
	Liberal		44.6	310	
	Slightly liberal		11.7	81	
	Moderate; middle of the road		8.8	61	
	Slightly conservative		1.4	10	
	Conservative		1.3	9	
	Very conservative		0.1	1	
	Haven't thought about it much		0.7	5	
	Don't know		1.2	8	
14. If you think about the following people, would you say you share the same political views, or are there important differences between you? n = 698	Your friends in your country of residence	We share the same view	29.2	204	3
		Sometimes we have different views	56.7	396	
		There are important differences in our views	11.7	82	
		Don't know	1.1	8	
		Not applicable	0.9	6	
	Your friends in the United States	We share the same view	27.9	195	
		Sometimes we have different views	50.1	350	
		There are important differences in our views	19.5	136	
		Don't know	0.4	3	
		Not applicable	1.3	9	
	Your family in your country of residence	We share the same view	37.0	258	
		Sometimes we have different views	30.9	216	
		There are important differences in our views	10.9	76	
		Don't know	0.7	5	
		Not applicable	18.6	130	

	Your family in the United States	We share the same view	28.5	199	
		Sometimes we have different views	37.0	258	
		There are important differences in our views	28.9	202	
		Don't know	1.1	8	
		Not applicable	3.3	23	
	Your neighbors in your country of residence	We share the same view	7.7	54	
		Sometimes we have different views	44.3	309	
		There are important differences in our views	21.8	152	
		Don't know	20.6	144	
		Not applicable	4.4	31	
	Your neighbors in the United States	We share the same view	4.3	30	
		Sometimes we have different views	26.2	183	
		There are important differences in our views	20.6	144	
		Don't know	12.0	84	
		Not applicable	33.5	234	
	Your co-workers or colleagues in your country of residence	We share the same view	16.3	114	
		Sometimes we have different views	48.6	339	
		There are important differences in our views	14.8	103	
		Don't know	5.3	37	
		Not applicable	13.3	93	
	Your co-workers or colleagues in the United States	We share the same view	8.2	57	
		Sometimes we have different views	26.5	185	
		There are important differences in our views	13.0	91	
		Don't know	5.0	35	
		Not applicable	43.4	303	

	Members of other organizations you belong to in your country of residence	We share the same view	17.3	121	
		Sometimes we have different views	47.6	332	
		There are important differences in our views	9.2	64	
		Don't know	8.7	61	
		Not applicable	15.5	108	
	Members of other organizations you belong to in the United States	We share the same view	10.3	72	
		Sometimes we have different views	24.2	169	
		There are important differences in our views	6.9	48	
		Don't know	6.0	42	
		Not applicable	49.6	346	
15. In general, how interested are you in United States politics? n = 677	Very interested		78.7	533	24
	Fairly interested		20.1	136	
	Not very interested		1.2	8	
	Not at all interested		0.0	0	
16. While you were growing up, how frequently were political discussions held at home? n = 679	Everyday		14.6	99	22
	Very often		37.3	253	
	Occasionally		29.7	202	
	Rarely		15.6	106	
	Never		2.8	19	
17. How interested were you in the 2008 Presidential Election? n = 678	Very interested		98.1	665	21
	Fairly interested		1.5	10	
	Not very interested		0.4	3	
	Not at all interested		0.0	0	

18. How often would you say you discussed the 2008 Presidential Election with the following groups of people? n = 680	Your friends in your country of residence	Everyday	31.5	214	21
		3-4 times per week	41.9	285	
		1-2 times per week	19.6	133	
		Less frequently	6.2	42	
		Never	0.1	1	
		Not applicable	0.6	4	
	Your friends in the United States	Everyday	10.0	68	
		3-4 times per week	17.6	120	
		1-2 times per week	25.1	171	
		Less frequently	37.1	252	
		Never	2.4	16	
		Not applicable	6.3	43	
	Your family in your country of residence	Everyday	35.3	240	
		3-4 times per week	19.7	134	
		1-2 times per week	12.9	88	
		Less frequently	11.0	75	
		Never	1.6	11	
		Not applicable	17.9	122	
	Your family in the United States	Everyday	7.2	49	
		3-4 times per week	15.3	104	
		1-2 times per week	30.6	208	
		Less frequently	33.4	227	
		Never	6.3	43	
		Not applicable	5.3	36	
	Your neighbors in your country of residence	Everyday	5.0	34	
		3-4 times per week	9.1	62	
		1-2 times per week	17.9	122	
		Less frequently	37.6	256	
		Never	21.6	147	
		Not applicable	6.2	42	
	Your neighbors in the United States	Everyday	1.3	9	
		3-4 times per week	1.5	10	
		1-2 times per week	2.5	17	

		Less frequently	14.1	96	
		Never	16.8	114	
		Not applicable	60.7	413	
	Your co-workers or colleagues in your country of residence	Everyday	12.2	83	
		3-4 times per week	24.7	168	
		1-2 times per week	23.5	160	
		Less frequently	18.2	124	
		Never	2.4	16	
		Not applicable	17.2	117	
	Your co-workers of colleagues in the United States	Everyday	1.9	13	
		3-4 times per week	2.8	19	
		1-2 times per week	5.9	40	
		Less frequently	16.0	109	
		Never	7.1	48	
		Not applicable	63.2	430	
	Members of other organizations you belong to in your country of residence	Everyday	5.7	39	
		3-4 times per week	10.9	74	
		1-2 times per week	22.2	151	
		Less frequently	31.0	211	
		Never	9.4	64	
		Not applicable	19.3	131	
	Members of other organizations you belong to in the United States	Everyday	1.5	10	
		3-4 times per week	2.9	20	
		1-2 times per week	4.9	33	
		Less frequently	14.4	98	
		Never	10.3	70	
		Not applicable	63.7	433	
19. How often did you read or watch the following sources to get information regarding the 2008 Presidential Election? n = 678	Hard copies of US newspapers	Everyday	8.6	58	23
		3-4 times per week	3.4	23	
		1-2 times per week	6.9	47	
		Less frequently	27.0	183	

		Never	48.8	331	
	Online versions of US newspapers	Everyday	51.3	348	
		3-4 times per week	15.8	107	
		1-2 times per week	13.0	88	
		Less frequently	12.5	85	
		Never	6.3	43	
	Non US newspapers in either hard copy or online formats	Everyday	47.6	323	
		3-4 times per week	19.9	135	
		1-2 times per week	17.0	115	
		Less frequently	10.3	70	
		Never	3.8	26	
	News television originating in the US	Everyday	39.7	269	
		3-4 times per week	14.9	101	
		1-2 times per week	12.2	83	
		Less frequently	19.0	129	
		Never	13.0	88	
	News television not originating in the US	Everyday	47.6	323	
		3-4 times per week	17.4	118	
		1-2 times per week	10.8	73	
		Less frequently	12.7	86	
		Never	9.7	66	
	New media sources such as YouTube and/or blogs	Everyday	24.2	164	
		3-4 times per week	17.4	118	
		1-2 times per week	15.8	107	
		Less frequently	21.8	148	
		Never	15.5	105	
20. Which of the following was your main source of information regarding the 2008 Presidential Election? n = 676	Hard copies of US newspapers		3.6	24	25
	Online versions of US newspapers		38.9	263	
	Non US newspapers in either hard copy or online formats		12.4	84	

	News television originating in the US		22.8	154	
	News television not originating in the US		9.8	66	
	New media sources such as YouTube and/or blogs		10.4	70	
	Open ended - radio news		1.9	13	
	Open ended - personal communication with US and Non US friends		0.3	2	
21. How often would you say you vote in United States elections? n = 679	Always		56.7	385	22
	Nearly always		28.0	190	
	Part of the time		7.4	50	
	Seldom		6.8	46	
	Never		1.2	8	
22. Generally speaking, do you believe you have a duty to vote in every national election? n = 673	Yes		94.1	633	28
	No		5.9	40	
23. Generally speaking, do you believe that American citizens residing abroad have a duty to vote in every national election? n = 676	Yes		89.2	603	25
	No		10.8	73	
24. Thinking back to the 2004 Presidential Election, did you vote in that election? n = 679	Yes I voted in the United States		26.1	177	22
	Yes I voted from abroad		58.0	394	
	No I did not vote		15.3	104	
	I do not recall		0.6	4	
25. Thinking about your prior experiences of voting in United States elections from abroad, do you think that voting process in the 2008 Presidential Election was different? n = 670	The process was easier than prior elections		30.1	202	31
	The process was about the same as prior elections		42.5	285	

	The process was more difficult than prior elections		6.3	42	
	I have never voted from abroad before		21.0	141	
26. For the 2008 Presidential Election, did you have to register to vote or were you already registered to vote in your state of legal residence? n = 676	I had to register to vote		33.0	223	25
	I was already registered to vote in my state of legal residence		66.3	448	
	I did not want to register to vote		0.7	5	
27. If you had to register to vote in the 2008 Presidential Election, how did you register? n = 218	I used the Federal Post Card Application (this includes open ended DA or votefromabroad.org responses as the FPCA would have been used in this instance)		50.9	111	5
	I registered at a consulate or embassy		0.9	2	
	I registered online from abroad through my state of legal residence		40.8	89	
	I registered in person in my state of legal residence		4.6	10	
	Open ended - I registered via a tax form		0.5	1	
	Open ended - I did not register		0.9	2	
	Open ended - It was too late when I thought about doing it		0.5	1	
	Open ended - I tried to register with my county election office		0.5	1	
	Open ended - I sent a letter to the Board of Election Commissioners		0.5	1	
28. How did you obtain your Federal Post Card Application to register to vote in the 2008 Presidential Election? n = 202	I did not use the Federal Post Card Application		28.7	58	21

	Through the Federal Voters Assistance Program		11.9	24	
	Through my state of legal residence		12.9	26	
	From a US embassy or consulate		3.5	7	
	From a group or organization that assists with voter registration		43.1	87	
29. How did you return or transmit your registration material to the relevant state authority for the 2008 Presidential Election? n = 208	By mail/post		73.6	153	15
	Online transmission		10.1	21	
	By fax		8.7	18	
	Through an embassy or consulate		3.8	8	
	Through an organization that assists with voter registration		3.8	8	
30. Some Americans living abroad may have experienced problems or difficulties trying to register to vote for the 2008 Presidential Election. Please select any of the following statements that apply to your experience trying to register to vote for the 2008 Presidential Election. n = 188	I was unable to obtain material to register to vote		3.7	7	35
	My registration material was not received by my state of legal residence		4.3	8	
	My registration material was not accepted by my state of legal residence		2.7	5	
	I had to travel to another location to obtain my registration material		1.6	3	
	I had to have witnesses in order to register to vote		3.7	7	

	I had to have registration material notarized		3.2	6	
	None of the above		84.0	158	
	Open ended - I had to send my registration material to multiple places		0.5	1	
	Open ended - The US Consulate was unable to assist me		0.5	1	
	Open ended - I did not know how to fill out the registration material, too complicated		3.7	7	
	Open ended - I had to register in my parents state of residence, not my own state of residence		0.5	1	
31. If you had to travel to obtain material to register to vote in the 2008 Presidential Election, how far did you have to travel? n = 187	I did not have to travel		90.4	169	36
	Less than 10 miles		4.3	8	
	11-50 miles		3.2	6	
	51-100 miles		0.0	0	
	101-150 miles		0.0	0	
	Greater than 150 miles		2.1	4	
32. In some instances, you may have incurred a fee for various services, such as a notary, in order to register to vote. What was the total cost you incurred in USD? n = 206	I incurred no fees		83.0	171	17
	Less than \$50.00		16.0	33	
	\$51.00-\$100.00		0.5	1	
	\$101.00-\$200.00		0.5	1	
	Greater then \$200.00		0.0	0	
33. Did you vote in the 2008 Presidential Election? n = 668	Yes		96.4	644	33
	No		3.6	24	

34. How did you vote in the 2008 Presidential Election? n = 638	I voted in person in my state of legal residence		1.6	10	6
	I voted by absentee ballot while in my state of legal residence		4.9	31	
	I voted by absentee ballot from abroad		80.7	515	
	I used the Federal Write in Absentee Ballot to vote from abroad		12.9	82	
35. If you voted by absentee ballot from abroad, how did you obtain your absentee ballot? n = 615	I did not vote from abroad		1.6	10	29
	I requested my absentee ballot using the Federal Post Card Application		17.1	105	
	I obtained my absentee ballot through the Federal Voters Assistance Program		8.3	51	
	I obtained my absentee ballot directly from my state of legal residence		48.9	301	
	I obtained my absentee ballot from a US embassy or consulate		0.7	4	
	I obtained my absentee ballot from a group or organization that assists with obtaining absentee ballots		23.4	144	
36. Did you receive your absentee ballot in time to vote in the 2008 Presidential Election? n = 637	Yes		89.2	568	7
	No		10.8	69	
37. If you did not receive your absentee ballot in time to vote in the 2008 Presidential Election, did you utilize the Federal Write in Absentee Ballot? n = 567	Yes		16.6	94	77
	No		3.7	21	

	Not applicable as I received my absentee ballot in time		79.7	452	
38. How did you return or transmit your absentee ballot to the relevant state authority to be counted in the 2008 Presidential Election? n = 622	By mail/post		84.6	526	22
	Online transmission		1.8	11	
	By fax		4.3	27	
	Through an embassy or consulate		5.3	33	
	Through an organization that assists with transmitting absentee ballots		4.0	25	
39. Some Americans living abroad may have experienced problems or difficulties trying to vote in the 2008 Presidential Election. Please select any of the following statements that apply to your experience trying to vote in the 2008 Presidential Election. n = 569	I was unable to obtain material to vote		4.2	24	75
	I had to travel to another location to obtain material to vote.		0.9	5	
	While living abroad, I had to travel to another location to cast my ballot in the 2008 Presidential Election.		1.8	10	
	I had to have witnesses in order to vote		6.3	36	
	I had to have voting material notarized		1.2	7	
	None of the above		87.3	497	
	Open ended - Ballot arrived late or never arrived		2.5	14	
	Open ended - Multiple ballots were received		0.4	2	
	Open ended - I had to return my ballot to multiple locations		0.2	1	

	Open ended - Problems with foreign and domestic postal services including postage and ballot design		0.7	4	
	Open ended - My ballot was held at customs		0.4	2	
	Open ended - Completing the steps required is too complicated/ I did not understand		1.2	7	
	Open ended - Problems with registration		0.4	2	
	Open ended - I was refused assistance from the US Consulate		0.2	1	
40. If you had to travel to obtain material to vote or to cast your ballot from abroad in the 2008 Presidential Election, how far did you have to travel? n = 555	I did not have to travel		91.4	507	89
	Less than 10 miles		4.1	23	
	11-50 miles		2.3	13	
	51-100 miles		0.5	3	
	101-150 miles		0.4	2	
	Greater than 150 miles		1.3	7	
41. In some instances, you may have incurred a fee for various services, such as a notary, in order to vote. What was the total cost you incurred in USD? n = 614	I incurred no fees		80.9	497	30
	Less than \$50.00		17.8	109	
	\$51.00-\$100.00		0.7	4	
	\$101.00-\$200.00		0.5	3	
	Greater than \$200.00		0.2	1	
42. There are many good reasons why people don't vote or are unable to vote. If you did not vote in the 2008 Presidential Election, why? Please select all the reasons that apply to you. n = 567	Not applicable to me as I voted		95.4	541	134

	I could not access registration material		0.7	4	
	I could not access voting material		0.9	5	
	I missed the deadline to register		1.1	6	
	I missed the deadline to vote		1.1	6	
	My registration material was not accepted		1.2	7	
	My ballot was not received in time or accepted		1.4	8	
	I did not want to identify my location to the Federal Government by voting		0.2	1	
	I did not trust the system of voting for overseas citizens		0.9	5	
	I did not believe my vote would be properly counted		1.1	6	
	I do not think my vote counts for much		0.7	4	
	I did not like any of the candidates		0.2	1	
	My candidate of choice was not included on the ballot		0.0	0	
	I did not have time to vote		0.2	1	
	Open ended - It is too expensive to vote		0.2	1	
	Open ended - Too complicated		0.4	2	
	Open ended - I would have had to swear I was only temporarily out of the country and that is not true		0.2	1	
43. Thinking about the Democratic Party, where would you place it on this scale? n = 669	Very liberal		2.8	19	32
	Liberal		28.8	193	
	Slightly liberal		41.9	280	
	Moderate; middle of the road		19.3	129	
	Slightly conservative		3.6	24	
	Conservative		1.0	7	

	Very conservative		0.1	1	
	Haven't thought about it much		1.2	8	
	I don't know		1.2	8	
44. Using the same scale, where would you place the Republican Party? n = 666	Very liberal		0.3	2	35
	Liberal		0.2	1	
	Slightly liberal		0.0	0	
	Moderate; middle of the road		0.3	2	
	Slightly conservative		2.4	16	
	Conservative		24.9	166	
	Very conservative		69.8	465	
	Haven't thought about it much		0.8	5	
	I don't know		1.4	9	
45. To what extent do you agree or disagree with the following statement: 'The US Federal Government cares about what Americans living abroad think'. n = 667	Agree strongly		2.1	14	34
	Agree somewhat		20.2	135	
	Neither agree nor disagree		20.5	137	
	Disagree somewhat		32.5	217	
	Disagree strongly		24.6	164	
46. To what extent do you agree or disagree with the following statement: 'Overseas voters like me don't have any say about what the US Federal Government does'. n = 672	Agree strongly		18.2	122	29
	Agree somewhat		28.6	192	
	Neither agree nor disagree		14.7	99	
	Disagree somewhat		26.5	178	
	Disagree strongly		12.1	81	
47. Since the 2004 Presidential Election, how would you rate the reputation of the United States in the world? n = 663	The reputation of the United States has fallen		95.2	631	38
	The reputation of the United States has stayed the same		1.2	8	
	The reputation of the United States has increased		3.5	23	

	Don't know		0.2	1	
48. Since the 2004 Presidential Election, how would you rate the influence of the United States in the world? n = 668	The influence of the United States has fallen		84.1	562	33
	The influence of the United States has stayed the same		8.4	56	
	The influence of the United States has increased		6.0	40	
	Don't know		1.5	10	
49. In recent years, how comfortable have you felt identifying yourself as an American while residing abroad? n = 668	I have felt very comfortable		15.1	101	33
	I have felt somewhat comfortable		13.8	92	
	I have felt neither comfortable nor uncomfortable		10.5	70	
	I have felt somewhat uncomfortable		40.3	269	
	I have felt very uncomfortable		20.4	136	
50. Have you encountered any anti-American sentiment while residing abroad? n = 671	I have encountered this a great deal		21.2	142	30
	I have encountered this occasionally		50.7	340	
	I have encountered this very little		21.0	141	
	I have never encountered this		6.9	46	
	I don't know		0.3	2	
51. What is your current country of residence? n = 665	Antigua and Barbuda		0.2	1	36
	Argentina		0.8	5	
	Australia		4.5	30	
	Austria		1.1	7	
	Bahamas		0.2	1	
	Belarus		0.2	1	
	Belgium		1.1	7	
	Bolivia		0.3	2	

	Brazil	1.2	8
	Cambodia	0.2	1
	Canada	20.5	136
	Chili	0.2	1
	China	0.6	4
	Columbia	0.3	2
	Costa Rica	0.8	5
	Czech Republic	0.2	1
	Denmark	0.5	3
	Dominican Republic	0.3	2
	France	7.2	48
	Germany	5.9	39
	Greece	1.7	11
	Guatemala	0.5	3
	Hong Kong	0.9	6
	Hungary	0.2	1
	India	0.6	4
	Indonesia	0.9	6
	Israel	2.0	13
	Italy	3.5	23
	Jamaica	0.2	1
	Japan	3.0	20
	Jordan	0.2	1
	Lebanon	0.3	2
	Luxembourg	0.8	5
	Malaysia	0.2	1
	Malta	0.2	1
	Mexico	4.1	27
	Morocco	0.5	3
	Nepal	0.2	1
	Netherlands	3.0	20
	New Zealand	0.8	5
	Norway	1.1	7
	Panama	0.3	2
	Philippines	0.3	2
	Poland	0.2	1
	Portugal	0.2	1
	Qatar	0.3	2
	Republic of Ireland	2.1	14
	Romania	0.3	2

	Saudi Arabia		0.6	4	
	Singapore		0.5	3	
	South Africa		0.9	6	
	South Korea		0.5	3	
	Spain		3.3	22	
	Sweden		1.4	9	
	Switzerland		1.8	12	
	Taiwan		0.3	2	
	Thailand		1.5	10	
	Togo		0.2	1	
	Turkey		0.3	2	
	United Arab Emirates		0.2	1	
	United Kingdom		14.1	94	
	United States of America		0.2	1	
	Venezuela		0.2	1	
	Vietnam		0.6	4	
	Somewhere in Europe		0.2	1	
52. How long have you lived in this country? n = 665	Less than 1 year		3.9	26	36
	1-2 years		6.9	46	
	2-3 years		7.7	51	
	3-4 years		6.2	41	
	4-5 years		5.3	35	
	5-6 years		3.6	24	
	6-7 years		4.4	29	
	7-8 years		3.0	20	
	more than 8 years		59.1	393	
53. How attached are you to the place in which you currently live? Please indicate your attachment to each place using the scale provided where 0 indicates no attachment and 10 indicates a very strong attachment. n = 666	The neighborhood or village in which you currently live	No attachment at all 0	3.2	21	35
		1	3.0	20	
		2	3.9	26	
		3	4.7	31	
		4	6.3	42	
		5	9.6	64	
		6	11.3	75	

		7	13.8	92	
		8	16.1	107	
		9	12.6	84	
		Very strong attachment 10	14.9	99	
	The city in which you currently live	No attachment at all 0	4.4	29	
		1	2.0	13	
		2	3.6	24	
		3	3.8	25	
		4	4.4	29	
		5	8.0	53	
		6	11.7	78	
		7	12.6	84	
		8	18.3	122	
		9	12.9	86	
		Very strong attachment 10	17.3	115	
	The region, territory or state in which you currently live	No attachment at all 0	4.5	30	
		1	5.0	33	
		2	4.7	31	
		3	4.5	30	
		4	6.0	40	
		5	11.1	74	
		6	10.5	70	
		7	12.3	82	
		8	16.7	111	
		9	10.4	69	
		Very strong attachment 10	13.8	92	
	The country in which you currently live	No attachment at all 0	3.3	22	
		1	3.0	20	
		2	3.2	21	
		3	3.3	22	
		4	3.9	26	
		5	10.1	67	
		6	8.6	57	
		7	14.3	95	
		8	18.5	123	
		9	14.0	93	
		Very strong attachment 10	17.7	118	

54. Using the same scale, how attached do you feel to different groups of people in the place in which you now currently live? n = 664	People from the country where I currently live	No attachment at all 0	2.0	13	37
		1	3.2	21	
		2	3.6	24	
		3	4.8	32	
		4	5.1	34	
		5	10.7	71	
		6	12.2	81	
		7	14.8	98	
		8	19.1	127	
		9	11.3	75	
		Very strong attachment 10	13.3	88	
	People who are Americans residing abroad like me	No attachment at all 0	2.9	19	
		1	3.8	25	
		2	5.3	35	
		3	4.2	28	
		4	4.2	28	
		5	11.7	78	
		6	12.5	83	
		7	13.4	89	
		8	17.6	117	
		9	12.3	82	
		Very strong attachment 10	11.4	76	
	People with the same religion as me	No attachment at all 0	35.1	233	
		1	7.1	47	
		2	7.4	49	
		3	5.0	33	
		4	5.9	39	
		5	10.4	69	
		6	6.6	44	
		7	4.8	32	
		8	6.3	42	
		9	3.3	22	
		Very strong attachment 10	3.5	23	

	People with the same cultural background as me, for example language or ethnicity	No attachment at all 0	8.9	59	
		1	4.5	30	
		2	6.8	45	
		3	6.9	46	
		4	8.0	53	
		5	16.9	112	
		6	12.3	82	
		7	9.9	66	
		8	12.2	81	
		9	7.5	50	
		Very strong attachment 10	4.7	31	
	People from the same social class as me	No attachment at all 0	11.4	76	
		1	5.9	39	
		2	6.8	45	
		3	8.4	56	
		4	7.4	49	
		5	18.5	123	
		6	12.3	82	
		7	9.9	66	
		8	8.7	58	
		9	4.1	27	
		Very strong attachment 10	3.8	25	
	People with the same interests as me	No attachment at all 0	1.1	7	
		1	0.5	3	
		2	1.7	11	
		3	2.7	18	
		4	2.3	15	
		5	7.5	50	
		6	7.1	47	
		7	17.2	114	
		8	27.0	179	
		9	16.3	108	
		Very strong attachment 10	15.5	103	

55. Thinking about the next 4 years, do you expect to return to live in the United States or continue to live abroad? n = 665	I expect to return to the United States to live		9.5	63	36
	I expect to continue to live abroad		67.7	450	
	Not certain		22.9	152	
56. With the exception of the United States, how many different countries have you lived in? n = 663	1		44.6	296	38
	2		28.1	186	
	3		13.9	92	
	4 or more		13.4	89	
57. Listed below are various activities and situations that may affect or apply to some Americans living abroad. Please select all activities and situations that apply to you. n = 662	I help members of my family in the United States financially		22.5	149	39
	I send goods to my family in the United States		21.5	142	
	I own property in the United States		18.0	119	
	I contribute to charities in the United States		40.9	271	
	I am a shareholder in companies in the United States		38.7	256	
	I conduct trade with businesses in the United States		16.3	108	
	None of the above		26.9	178	
58. Do you have dual citizenship, that is are you a citizen of the United States as well as another country? n = 663	Yes		38.8	257	38
	No		61.2	406	
59. Which statement best describes why you live overseas and not in the United States? n = 665	I was sent overseas by my employer		4.7	31	36
	I choose to work overseas		30.2	201	

	I am retired and choose to live overseas		9.3	62	
	I am currently an international student		1.8	12	
	I was an international student but have remained overseas		8.9	59	
	I joined my spouse or partner who resides overseas (includes spouse who moved for work i.e. my spouse/partner took a job overseas and I accompanied)		31.1	207	
	I am currently serving in the military		0.0	0	
	Open ended - Health care provided in resident country/unaffordable healthcare in the US		1.2	8	
	Open ended - Preference for values, ideology and culture in the resident country as opposed to US/ideological difference		4.8	32	
	Open ended - Recognition of same sex relationship		1.1	7	
	Open ended - High crime rates in the US		0.2	1	
	Open ended - Moved with my parents		0.5	3	
	Open ended - Better quality of life/affordability/adventure		1.8	12	
	Open ended - Life and family circumstances more favourable overseas		3.5	23	
	Open ended - I was born overseas/retention of dual nationality		1.1	7	
60. On average, how often do you return to the United States to see family and friends or for other personal reasons? n = 660	Never		3.3	22	41

	On average, less than once a year		27.0	178	
	On average, once a year		33.0	218	
	On average, twice a year		20.2	133	
	On average, three times a year		7.1	47	
	On average, four times a year		3.5	23	
	On average, more than four times a year		5.9	39	
61. On average, how often do you travel to the United States for business? n = 663	Never		58.5	388	38
	On average, less than once a year		18.7	124	
	On average, once a year		11.5	76	
	On average, twice a year		5.1	34	
	On average, three times a year		2.4	16	
	On average, four times a year		1.5	10	
	On average, more than four times a year		2.3	15	
62. We would be grateful to speak to you further about your responses and ask you a few more questions about what it's like living abroad. If you would be willing to participate further in this important study, please provide your email address and we will contact you soon. n = 493	Email Address				208

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