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Internet Voting in the United States
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Internet voting was first used in the United States in the 2000 general election, when voters in five states cast ballots as part of the Voting Over the Internet (VOI) pilot project. Since then, there have been various pilot efforts to allow voters to cast ballots online. These efforts have allowed voters in specific party primary elections to cast ballots online (Democrats Abroad 2008; Michigan Democratic Party, 2004; Oregon Independent Party, 2010; Utah Republican Party 2016; West Virginia 2010) and allowed Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters to cast ballots in general elections (Arizona 2008, 2010; Okaloosa County, Florida, 2008; West Virginia 2010)[1].

In the United States, the primary target audience for internet voting has been individuals covered by UOCAVA. UOCAVA voters are U.S. citizens who live overseas as well as members of the Uniformed Services and their dependents[2]. UOCAVA voters have a "ballot transit time" problem when they try to vote. Their voter registration and ballot request form and their ballot have to travel farther and be handled by multiple postal services, so it often takes longer for these voters to complete the voting process. A recent report by the Federal Voting Assistance Program (FVAP) explained the ballot transit problem by noting,

> U.S. civilian voters living in Germany will have their ballots handled by the U.S. Postal Service (USPS) and Deutsche Post both on the way to them and on the way back to their local election official (LEO). A U.S. Army soldier stationed at a base in Germany will have his or her postal ballot handled by the USPS and the Military Postal Service Agency (MPSA) in both directions. The time it takes a ballot to travel to and from overseas military personnel can vary based on where they are stationed; for example, personnel based on a ship, a military installation, a non-combat area, and a forward combat area will all face different ballot transit time issues.[3]

The Government Accountability Office (GAO), the U.S. Department of Defense (DoD) Inspector General, the Pew Charitable Trusts, and others have studied this issue and all agree that ballot transit time can make it difficult for UOCAVA voters to successfully cast a ballot.[4]

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[1] A description of these projects can be found at *http://www.eac.gov/assets/1/Documents/SIV-FINAL.pdf*

[2] Citizens who are protected under UOCAVA are U.S. citizens who are active members of the Uniformed Services, the Merchant Marine, the U.S. Public Health Service Commissioned Corps (PHSCC), the National Oceanic and Atmospheric Administration (NOAA), their eligible family members, and U.S. citizens residing outside the United States. For more information, please *refer to https://www.fvap.gov/info/laws*.

[3] "Review of FVAP's Work Related to Remote Electronic Voting for the UOCAVA Population," *https://www.fvap.gov/uploads/FVAP/Reports/FVAP_EVDP_20151229_final.pdf*, page 8.

[4] For a complete discussion of the issues faced by UOCAVA voters, see R. Michael Alvarez and Thad E. Hall. Point, click, and vote: The future of Internet voting. Brookings Institution Press, 2003; and Alvarez, R. Michael, and Thad E. Hall. Electronic elections: The perils and promises of digital democracy. Princeton University Press, 2008.

For the general population, providing internet voting as an option for voting has been a less pressing concern because of the expansion of other types of convenience voting since the 2000 election. In 2000, relatively few ballots were cast before Election Day, either as a part of absentee voting or in-person early voting. In the 2016 election, several states will see a majority of ballots cast before Election Day: voters will have a choice to either vote early or vote absentee—or have both options available—in 35 states. For Americans not covered by UOCAVA, having access to internet voting would be just one additional option for them. Two populations in the United States that might benefit from internet voting are individuals with disabilities and the elderly. Both of these populations have difficulty with mobility and, potentially, with marking a ballot manually. However, advocates for these two populations have not made internet voting a policy priority.

Public Attitudes Toward Internet Voting

In 2008 and 2012, the Survey of the Performance of American Elections asked respondents whether they supported or opposed internet voting.[5] As shown in Figure 1, in 2008, only 29% of respondents supported the idea of internet voting. By 2012, this percentage had increased to 37%; however, that proportion still reveals a relatively low level of support for such a reform. It is important to note that people's attitudes often change in reference to experience. For example, a majority of voters who live in states where all elections are vote-by-mail elections support these types of elections; however, there are no other states where a majority of respondents support this reform. If a state adopted the internet voting reform, it is possible that citizens in that state would support it after its introduction.[6]

Figure 1: Public Support for Internet Voting, 2008 and 2012
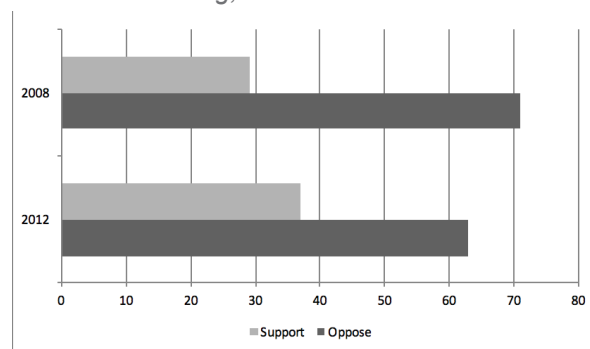
Source – Survey of the Performance of American Elections

[5] Caltech/MIT Voting Technology Project, *http://vote.caltech.edu/*

[6] R. Michael Alvarez, Thad E. Hall, Ines Levin, and Charles Stewart III. "Voter opinions about election reform: do they support making voting more convenient?" Election Law Journal 10, no. 2 (2011): 73–87.

An Untrusting Environment

The changes in election administration in the United States have coincided with a shift in public attitudes about election fraud.[7] Research by Hall and Stewart found a partisan component to public perceptions of election administration and fraud.[8] In general, Democrats think that fraud is less common across the board compared to Republicans. However, this finding is likely partially explained by Democrats having won the 2008 and 2012 presidential elections. If a voter's preferred candidate was the top vote-getter in the country in which that voter lived in 2012, then he or she was less likely to believe that fraud was common compared with a voter who supported a candidate who was not the top vote-getter in that voter's country.

Data from an August 2016 Pew Research Center poll found that voters who support Donald Trump are much less likely to be very confident that their votes will be counted accurately compared with voters who support Hillary Clinton—only 38% of Trump supporters express being very confident compared to 67% of Clinton supporters.[9] Overall, the percentage of Americans who are very confident that their vote will be counted accurately has declined from 62% in 2004 to 57% in 2008 to 49% in 2016. Almost this entire decline comes from Republicans losing confidence in the process: 75% of Republicans were very confident in 2004 but only 38% were very confident in 2016. Not surprisingly, a Gallup poll from August 2016 found that 52% of all Republicans think fraud is a major problem compared with only one-quarter of Democrats.[10]

These data from 2016 illustrate that for a significant part of the population, there is a lack of confidence in the electoral process. This lack of confidence in the process exists at a time when hacking incidents have affected the Democratic Party and two state voter registration databases.[11] Additionally, candidates and their supporters in both the Democratic and Republican primary elections in 2016 claimed that the election was rigged and that ballots were not counted.[12] These claims were often

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[7] Countries with proportional representation generally have higher levels of voter confidence compared to countries with first-past-the-post systems. See Sarah Birch, "Electoral institutions and popular confidence in electoral processes: A cross-national analysis," Electoral Studies 27.2 (2008): 305–320.

[8] Thad E. Hall and Charles Stewart, "American Attitudes towards Election Fraud," in Pippa Norris, Richard W. Frank, and Ferran Martínez i Coma, eds. Advancing Electoral Integrity, Oxford University Press, 2014.

[9] Fingerhut, Hannah. "Trump supporters far less confident than Clinton backers that votes will be counted accurately," Pew Research Center Fact Tank, August 19, 2016, http://www.pewresearch.org/fact-tank/2016/08/19/trump-supporters-far-less-confident-than-clinton-backers-that-votes-will-be-counted-accurately/

[10] Samuelson, Kate. "One in Three in U.S. Think Voter Fraud a 'Major' Problem," Time, August 22, 2016, http://time.com/4461014/voter-fraud-poll-gallup-poll-republicans/http://time.com/4461014/voter-fraud-poll-gallup-poll-republicans/

[11] Sanger, David E. and Schmitt, Eric. "Spy Agency Consensus Grows that Russia Hacked D.N.C.," New York Times, July 26, 2016, http://www.nytimes.com/2016/07/27/us/politics/spy-agency-consensus-grows-that-russia-hacked-dnc.html; Nakashima, Ellen. "Russian hackers targeted Arizona election system," Washington Post, August 29, 2016, https://www.washingtonpost.com/world/national-security/fbi-is-investigating-foreign-hacks-of-state-election-systems/2016/08/29/6e758ff4-6e00-11e6-8365-b19e428a975e_story.html.

[12] For example, supporters of Senator Bernie Sanders (D-VT) argued that provisional ballots were not counted. Please refer to: https://www.washingtonpost.com/news/post-politics/wp/2016/06/22/californias-lengthy-vote-count-stokes-theories-that-sanders-actually-won-the-primary/

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made in elections in which votes were cast using traditional, paper-based voting systems. In such a contentious environment, there has been little interest among state or local election offices to experiment with internet voting.

A Lack of a Policy Champion

The two biggest barriers to internet voting in the United States are (1) a lack of a central election management body (EMB) for the country that can support any research and development effort and (2) a lack of a policy champion for any such effort. The United States has three agencies that are involved in regulating election issues at the federal level—the Election Assistance Commission (EAC), the Federal Election Commission (FEC), and FVAP—and only the EAC and FVAP are involved in actual election administration issues.[13] The EAC is a clearinghouse of election information and can provide information on best practices but it has very little regulatory authority. Likewise, FVAP provides voting assistance to individuals covered under UOCAVA but it, too, has very little regulatory authority.[14]

Historically, the desire to serve UOCAVA voters has been the primary catalyst for internet voting experiments. FVAP has long-studied how barriers to absentee voting affect UOCAVA voters and continues to work with states to identify strategies for reducing or eliminating these hurdles. The first internet voting pilot conducted in a federal election was conducted in 2000 and sponsored by FVAP. The VOI pilot project was a proof of concept intended to determine if internet voting could reduce the ballot transit time issues faced by UOCAVA voters. VOI was a limited pilot project but its success led Congress to include a provision in the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2002, requiring FVAP to conduct an electronic voting demonstration project for a "statistically relevant population of absent Uniformed Service personnel."[15]

In 2004, the Deputy Secretary of Defense canceled FVAP's second internet voting pilot "over the inability to ensure legitimacy of votes that would be cast."[16] Because of this decision, the Ronald W. Reagan NDAA FY 2005 contained a provision that continued to require that FVAP conduct a demonstration project but allowed FVAP to wait until the EAC adopted appropriate voting system standards before initiating any pilot. The EAC adopted the UOCAVA Pilot Program Testing Requirements (UPPTR) in 2010. These standards were not for a fully remote internet voting system but instead were for a kiosk-based system that provides a paper record of each ballot cast.

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[13] The FEC regulates campaign finance laws in the United States.

[14] In both cases, the primary regulatory authority each agency has is over the content of specific voter registration forms.

[15] https://www.fvap.gov/uploads/FVAP/Reports/FVAP_EVDP_20151229_final.pdf, page 1.

[16] https://www.fvap.gov/uploads/FVAP/Reports/FVAP_EVDP_20151229_final.pdf, page 1.

Between 2004 and 2015, FVAP engaged in a systematic research effort designed to answer several specific policy questions related to internet voting and to ensure that the agency could fulfill its legislative mandate to field an internet voting system after the adoption of the UPPTR.[17] This research focused on five specific issues: (1) usability, (2) systems testing, (3) penetration and intrusion testing, (4) software assurance, and (5) authentication using DoD Common Access Cards (CAC). This research provided a toolkit that any state or local government could use as a starting point for evaluating internet voting projects in the future. FVAP also studied remote kiosk voting, including the Okaloosa Distance Balloting Project (ODBP) in Okaloosa County, Florida. Although the ODBP was a successful project, subsequent research by FVAP determined that a kiosk-based system serving UOCAVA voters is not feasible under current state election laws.[18]

In late 2014, Congress passed the NDAA of 2015, which included a provision eliminating FVAP's requirement to conduct an electronic voting demonstration project. Once this requirement was repealed, FVAP decided to no longer engage in research or projects related to remote internet voting for UOCAVA voters. FVAP has noted,

> [Its] mission to provide voting assistance to UOCAVA citizens is not necessarily consistent with the development of innovative and complex technological solutions that would be required in a large-scale demonstration project. Although FVAP does have express authority to conduct technology pilot programs, this authority does not require FVAP to develop new voting technologies; in particular, remote electronic voting systems.[19]

Other Efforts to Serve UOCAVA Voters Using the Internet

There is less pressure to conduct Internet voting efforts today in part because of other policy changes that have helped to alleviate, but not eliminate, some of the difficulties faced by UOCAVA voters. Most importantly, in 2009, Congress passed the Military and Overseas Voter Empowerment (MOVE) Act "to provide greater protections for Service members, their families and other overseas citizens." There are two key provisions of the MOVE Act that have changed the voting landscape. The first requires states to transmit validly-requested absentee ballots to UOCAVA voters no later than 45 days before a federal election, when the request has been received by that date.[20]

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[17] This research is described in full in the report, "Review of FVAP's Work Related to Remote Electronic Voting for the UOCAVA Population," https://www.fvap.gov/uploads/FVAP/Reports/FVAP_EVDP_20151229_final.pdf.

[18] "Review of FVAP's Work Related to Remote Electronic Voting for the UOCAVA Population," *https://www.fvap.gov/uploads/FVAP/Reports/FVAP_EVDP_20151229_final.pdf*, page 29.

[19] "Review of FVAP's Work Related to Remote Electronic Voting for the UOCAVA Population," *https://www.fvap.gov/uploads/FVAP/Reports/FVAP_EVDP_20151229_final.pdf*, page 26.

[20] States can apply for a hardship waiver if circumstances make this impossible.

Second, the MOVE Act requires every state to "establish procedures to transmit blank absentee ballots by mail and electronically (in accordance with the preferred method of transmission designated by the absent uniformed services voter or overseas voter...to absent uniformed services voters and overseas voters for an election for Federal office."[21] By allowing UOCAVA voters to receive a blank ballot electronically – by email, fax, or downloaded from an election website – half of the ballot transit time can be eliminated. Some states have made it so voters can mark a ballot electronically then print out the voted ballot and return it. In other cases, voters have to print the ballot and mark it by hand before returning it. These ballots are then returned in one of four ways. All states allow ballots to be returned by mail. In addition, 23 states allow voted ballots to be returned via email, 30 states allow voted ballots to be returned via fax, and 4 states allow ballots to be returned via a web portal.

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[21] "Military and Overseas Voter Empowerment Act," https://www.fvap.gov/uploads/FVAP/Policies/moveact.pdf.