Proposed Paper: Overseas Voting and Military Personnel (CARROLL)

Today US citizens may find themselves working abroad for a prolonged period OR being dispatched on a business or family trip to late to file vote absentee. As a result, citizens lose the same fundamental right that is taken away when imprisoned: the right to vote. In Senator Ted Kennedy's words on the subject of voting rights for 18 year olds "...yet withhold the right that matters most, the right to participate in choosing the government under which they live?"Senator Ted Kennedy to a Senate Subcommittee on Constitutional Amendments March 9, 1970
"...Our 18 year-olds today are a great deal more mature and more sophisticated than former generations at the same stage of development. Their role in issues like civil rights, Vietnam and the environment is as current as today's headlines. Through their active social involvement and their participation in programs like the Peace Corps and Vista, our youth have taken the lead on many important questions at home and overseas. In hundreds of respects, they have set a far-reaching example of insight and commitment for us to emulate... It does not automatically follow of course-- simply because an 18 year-old goes to war, or works, or marries, or makes a contract, or pays taxes, or drives a car, or owns a gun, or is held criminally responsible, like an adult--that he should thereby be entitled to vote. Each right or responsibility in our society presents unique questions dependent on the particular issue at stake.... The well-known proposition--"old enough to fight, old enough to vote"--deserves special mention. To me, this part of the argument for granting the vote to 18 year-olds has great appeal. At the very least, the opportunity to vote should be granted in recognition of the risks an 18 year-old is obliged to assume when he is sent off to fight and perhaps die for his country. About 30% of our forces in Vietnam are under 21. Over 19,000, or almost half, of those who have died in action there were under 2l. Can we really maintain that these young men did not deserve the right to vote?
Long ago, according to historians, the age of maturity was fixed at 21 because that was the age at which a young man was thought to be capable of bearing armor. Strange as it may seem, the weight of armor in the 11th century governs the right to vote of Americans in the 20th century. The medieval justification has an especially bitter relevance today, when millions of our 18 year-olds are compelled to bear arms as soldiers, and thousand are dead in Vietnam...the logic of the argument without making it dispositive. A society that imposes the extraordinary burden of war and death on its youth should also grant the benefit of full citizenship and representation, especially in sensitive and basic areas like the right to vote..." http://tedkennedy.org/ownwords/event/voting_age

1971 the United States ratified the 26th Amendment to the Constitution granting the right to vote to 18-20-year-olds. But what of those Americans that are employed or serving the country out of the US? Has their right as citizens been honored? Requirements that must be met before overseas voting is possible include among others security, privacy, accountability, and the ability to verify voter, voter selections, secure transmittal, verification of completed vote, and verification that the vote received was the "intended" vote and that the vote was tallied properly.

According to one set of statistics (http://usmilitary.about.com/od/terrorism/a/iraqdeath1000.htm) "As of August 2, 4,683 brave Americans have died in Iraq and Afghanistan since the launch of Operation Enduring Freedom (Afghanistan) on October 7, 2001 and Operation Iraqi Freedom, which began with the invasion of Iraq on March 19, 2003. Of the total deaths, 3,708 were due to hostile fire, and the remainder due to non-hostile actions (such as accident, suicide, or illness)....30,490 U.S. service members have been wounded due to combat actions in Iraq and 2,309 in Afghanistan (32,799 total). The breakdown by age of deaths reported were Ages 18-21 -- 28.2% (1,325); Ages 22-24 -- 23.7% (1,108); Ages 25-30 -- 25.6% (1,198);Ages 31-35 -- 10.4% (486); and Over 35 -- 12.1% (566).

What about other US Citizens? The 2000 Census, using administrative records, found 576,367 federally affiliated Americans residing overseas, including 226,363 military personnel, 30,576

civilian employees, and 319,428 dependents of both groups (http://www.gao.gov/new.items/d04898.pdf) When the US Census Bureau attempted to collect Census data overseas, privacy laws of the countries in which US citizens lived were barriers which had to be overcome via negotiation between the US Census Bureau and the host country where resolution in some cases allowed US citizen respondents to forgo answers to some of the typical Census questions about age and ethnicity-- topics which can not be asked about in some countries.

US Government agencies and commercial entities engaged in financial transactions have proposed and implemented various solutions to privacy an security problems in electronic records and transactions involving electronic records, e. g., tax returns, medical records and similar records involving personal information which can be misused. Often the solutions require compliance to standards on the part of the parties engaged in the transactions. For example the US Internal Revenue Service (IRS) made compliance by On line Providers of tax services to the following standards mandatory as of January 1, 2010 (with a grace period that expires December 31, 2010.) http://www.irs.gov/efile/article/0,,id=201195,00.html .

1. **Extended Validation SSL Certificate**
   --Extended Validation Secure Socket Layer (SSL) certificate using SSL 3.0 / TLS 1.0 or later and minimum 1024-bit RSA / 128-bit AES.
2. **External Vulnerability Scan**
   --use of an independent third-party vendor to run weekly external network vulnerability scans of "system components" in accordance with the applicable requirements of the Payment Card Industry Data Security Standards (PCIDSS).
3. **Information Privacy and Safeguard Policies**
   --Web sites through which taxpayer information is collected, transmitted, processed or stored. shall have written information privacy and safeguard policies consistent with the applicable government and industry guidelines.

   - maintain, and display a license/accreditation seal from a consumer protection and privacy seal vendor acceptable to the IRS. e. g. TRUSTe and BBBOnLine
4. **Protection Against Bulk Filing of Fraudulent Income Tax Returns**
   --implement effective technologies to protect their Web site against bulk filing of fraudulent income tax returns.
5. **Public Domain Name Registration**
   --Web site's domain name registered with a domain name registrar that is located in the United States and accredited by the Internet Corporation for Assigned Names and Numbers (ICANN). The domain name shall be locked and not be private.
6. **Reporting of Security Incidents**
   --report security incidents to the IRS as soon as possible but not later than the next business day after confirmation of the incident. For the purposes of this standard, an event that can result in an unauthorized disclosure, misuse, modification, or destruction of taxpayer information shall be considered a reportable security incident. See instructions for submitting incident reports.
   --In addition, if the On line Provider's Web site is the proximate cause of the incident, the On line Provider shall cease collecting taxpayer information via their Web site immediately upon detection of the incident and until the underlying causes of the incident are successfully resolved.

US service members who are serving or have served overseas now maintain contact with friends, family, US banking institutions such as United Services Automobile Association, USAA provide a variety of financial services (banking, insurance, retirement funds, credit cards) to current and former US Military and the families. The organization has successfully implemented a number of applications which require absolute adherence to security standards and practices on their part and their members/users part. For example, **USAA's smartphone apps** let members view balances, transfer funds, locate ATMs etc. all from an iPhone, Android or Blackberry. USAA says about their role: "For those who stood tall for this country and for their families, we stand ready to return the favor."

Surely the experiences, strategies, and compromises similar to those negotiated by US Government agencies and commercial entities offer the promise of a way forward for overseas voting by US Citizens abroad.

This paper will discuss numbers and circumstances in which US citizens find themselves abroad, present feedback obtained from US service members who have or are serving in Iraq, Afghanistan and elsewhere, and review briefly some of the technical opportunities and difficulties in meeting privacy, security and transparency needs of voters and local/state election commissions.