RECOMMENDATIONS FROM THE CSG OVERSEAS VOTING INITIATIVE TECHNOLOGY WORKING GROUP
OVERVIEW AND KEY RECOMMENDATIONS

The Overseas Voting Initiative, or OVI, is a cooperative agreement between The Council of State Governments and the U.S. Department of Defense’s Federal Voting Assistance Program, or FVAP. The OVI is charged with developing targeted and actionable improvements to the voting process for the more than 1.3 million members of the uniformed services and Merchant Marine stationed away from home; their 700,000 eligible family members; and the 5.7 million U.S. citizens living, studying and working overseas. Voters covered under the Uniformed and Overseas Citizens Absentee Voting Act, or UOCAVA, face unique voting obstacles due to their mobility; the time required to transmit ballots; and the patchwork of laws, rules and regulations across the 50 states, the District of Columbia and the four U.S. territories covered by UOCAVA.

One of the many activities undertaken since the OVI was established in 2013 was the formation of the OVI Technology Working Group. This group comprises state and local election officials from across the country who came together to determine how technology can be used to improve the UOCAVA voting process.

The OVI Technology Working Group members identified three areas for exploration from trends within the election community as a result of the Military and Overseas Voter Empowerment Act of 2009, specifically new requirements for electronic blank ballot delivery methods. In response, the OVI Technology Working Group formed the following subgroups to address these core areas: duplication methods for unreadable/damaged ballots, potential uses of digital signatures originating from Common Access Cards, and using data standardization and performance metric methodologies to inform policy decisions for the improvement of the UOCAVA process.

After more than two years of research and collaboration with FVAP, the CSG OVI Technology Working Group has developed the following recommendations:

Unreadable/Damaged Ballot Duplication

- State and local jurisdictions should select a ballot duplication process for unreadable and damaged ballots that is appropriate for the number of paper ballots they process.
- Regardless of whether a jurisdiction uses a manual or an electronic ballot duplication process for unreadable and damaged ballots, there should be clear procedures employed that ensure auditability.
- Technologies for ballot duplication of unreadable and damaged ballots should be easy to use and promote transparency not only for election officials, but for external observers as well.

Common Access Card/Digital Signature Verification

- State laws should accommodate the use of Common Access Card, or CAC, digital signatures in the election process for UOCAVA voters as they have incorporated electronic signatures in other sectors.
- States should allow the use of a CAC digital signature to complete election-related activities—such as submitting a Federal Post Card Application, or FPCA, to register to vote—and to provide an option for military personnel to designate their UOCAVA voting status using a state’s online election portal.
- State election offices should develop procedures and training materials in cooperation with FVAP and their local election offices regarding acceptance and use of a CAC digital signature. State election offices should also develop, in conjunction with FVAP and their local election offices, educational resources for UOCAVA voters about using a CAC digital signature and coordinate educational efforts with local military installations.

Data Standardization/Performance Metrics

- State and local election offices should work with FVAP and the Election Assistance Commission, or EAC, to adopt and implement the Election Administration and Voting Survey, or EAVS, Section B Data Standard, recognizing that it is the best vehicle for reducing the burden of completing federal reporting requirements for military and overseas voting and providing better data to isolate a voter’s experience and drivers for voter success.
- The Council of State Governments, or CSG, and state election officials should work with FVAP to identify a method or partner agency that can support automated data collection and validation to ensure the continued use of this standard.
- FVAP should continue to work cooperatively with the EAC and the National Institute of Standards and Technology, or NIST, to establish data repositories and related standards to support the long-term sustainability of the EAVS Section B Data Standard, or ESB. FVAP also should share lessons learned to assist similar EAC efforts in the future to reduce post-election reporting requirements.

Once the ESB is released, state and local election officials should ensure that the standard is incorporated into appropriate election technology provider contracts so that data can be exported using the ESB standard.


2 The Election Administration and Voting Survey, or EAVS, is a data collection effort administered by the U.S. Election Assistance Commission, or EAC, after each federal election. All of the items in Section B of the EAVS pertain to UOCAVA citizens. These data are used by the EAC and FVAP to better understand this important population of voters.
BACKGROUND

In late 2013, CSG and FVAP entered into a four-year cooperative agreement to improve the research and understanding surrounding the complex nature of the voting process for service members, their families and U.S. citizens living abroad. One component of the CSG Overseas Voting Initiative is the creation of a Technology Working Group composed of state and local election officials. Members of this group include:

- Executive Director Marci Andino, South Carolina State Election Commission
- Director of Elections Lori Augino, Washington Office of the Secretary of State
- Deputy Director of Public Information Thomas Connolly, New York State Board of Elections
- Director of Elections Robert Giles, New Jersey Department of State
- Registrar of Voters Neal Kelley, Orange County, California
- Supervisor of Elections Paul Lux, Okaloosa County, Florida
- Director of Elections Amber McReynolds, City and County of Denver, Colorado
- Democracy Project Fellow Donald Palmer, Bipartisan Policy Center; auxiliary member, CSG OVI Technology Working Group
- Harris County Clerk Stan Stanart, Texas
- HAVA Administrator Justus Wendland, Nevada Office of the Secretary of State

The OVI Technology Working Group is supported by CSG staff members Kamanzi G. Kalisa, director of the OVI, and Michelle M. Shafer, OVI election technology senior research associate, with assistance from the Fors Marsh Group and OVI Senior Technical Advisor Jared Marcotte. The OVI Technology Working Group convened several in-person meetings since its inaugural meeting in July 2014 in Baltimore. Subsequent sessions were held in San Antonio, Texas; Pensacola, Florida; Orange County, California; and Nashville, Tennessee. In addition, the members held regular conference calls and individual subgroup in-person sessions. The working group meetings included presentations by the OVI Technology Working Group members and CSG, FVAP and Fors Marsh Group staff members. In addition, working group meetings featured presentations by members of the U.S. Election Assistance Commission; the National Institute of Standards and Technology; Pew Election Initiatives; the Program for Excellence in Election Administration at the Humphrey School at the University of Minnesota; Adobe Corporation; SBG Technologies; the Election Administrator’s Office of Bexar County, Texas; Clear Ballot; Election Systems & Software; Everyone Counts; Democracy Live; and Runbeck Elections. As the foundation of this work effort, the OVI Technology Working Group examined successful state and local election programs and practices across the country.

KEY FINDINGS

The Unreadable/Damaged Ballot Duplication Subgroup investigated the types of problems that can result in ballots not being processed correctly by a tabulation system and the special handling required for these ballots to be processed and counted by a local election office’s tabulation system. These problems include: (1) ballots that are torn or damaged by the voter or during the mailing process; (2) ballots containing selections made with unapproved marking devices, such as highlighters, cosmetics and colored art pencils that a tabulation system may not tabulate correctly; (3) ballots marked inappropriately (e.g., circling a candidate’s name instead of marking it as instructed) so that the voter’s intent may be clear under a state’s election laws, but marked in a way that a tabulation system cannot read; and (4) returned ballots that are not printed on paper of the appropriate stock quality and weight, size, correct orientation, or are improperly sized or skewed so that the voting marks and ballot positions cannot be read by the scanner for ballot tabulation. As more ballots are transmitted to UOCAVA voters electronically, as is provided for under the Military and Overseas Voter Empowerment—or MOVE—Act, these ballots will be returned in various formats, as noted above. These returned ballots will need to be duplicated so that they can be tabulated accurately.

These problems, and many others, can result in a voted ballot not being seamlessly processed by a vote tabulation system. Ballots that cannot be processed automatically need special handling, which is typically some form of ballot remaking or duplication. In general, ballot duplication involves transferring the voter’s selections to a new paper ballot and creating an audit record (e.g., numbering the original ballot and the remade ballot) so that the original and remade ballots can be linked throughout the tabulation and election certification process. It is critical that ballot duplication is conducted using a transparent process that can be audited, where it is possible to go back to the original ballot that cannot be counted and compare it with the new, duplicated ballot that can be counted.

Small jurisdictions may only have a few ballots that need to be remade, but mid-sized and large jurisdictions may duplicate a large number of ballots during each election. The process of ballot duplication is, therefore, often time consuming and labor intensive. Typically, two or three staff people are involved in duplicating a single ballot, and this process can take several minutes because the ballot has to be duplicated and reviewed for accuracy.
Any mistake means that the entire process for that individual ballot must be started anew.

For many jurisdictions, duplication can be simplified using technologies that facilitate accurate and efficient ballot duplication. These technologies can involve scanning the original ballot and pre-populating a new duplicated ballot, which is then checked to ensure that the duplicate ballot is accurate. Ballot duplication technologies can also facilitate side-by-side comparison, during which the original ballot is shown on a screen next to a blank ballot that is filled in and then printed. Election observers can more easily observe the comparison process using some of these technologies, which can increase voter confidence.

The Common Access Card/Digital Signature Verification Subgroup studied the ability of military personnel, U.S. Department of Defense civilian employees, eligible contractor personnel and certain other individuals to sign documents securely and electronically, using the Common Access Card digital signature. This digital signature can be legally equivalent to a “wet,” or handwritten, signature if a state’s laws or regulations allow it to be used that way. By accepting a CAC digital signature, states could make it easier for CAC holders to register and request an absentee ballot when they are deployed or overseas. It is important to remember that many UOCAVA voters who are away from their voting residence lack access to printers or scanners, making it difficult to electronically return a document that is required to be signed using a wet signature. Returning these documents by mail adds time to the application and ballot request process, which affects the voter’s ability to meet legally established election deadlines.

A digitized signature is a handwritten signature that has been transferred into an electronic form—it is recognizable as a signature when examined visually. It is typically an image of a handwritten signature or a signature captured from a signature pad.

An electronic signature is the term used for the electronic equivalent of a handwritten signature. It is a generic, technology-neutral term that refers to all the various methods by which one can “sign” an electronic record, including digital signatures, biometrics or personal identifying numbers. An electronic signature process authenticates the signer’s identity, binds the signature to the document and ensures that the signature cannot be altered after it is affixed.

A digital signature is the term used to describe the encrypted data produced when a specific mathematical process involving a hash algorithm and public key cryptography is applied to an electronic record and is used to verify the veracity on an electronic signature. For the purpose of the OVI Technology Working Group, all recommendations assume the use of the CAC digital signature and the associated trust environment. Because the U.S. Department of Defense uses digital signature technology to generate and authenticate electronic signatures, and the concern of the subgroup is focused on both the signature and the authentication of the signature, the term digital signature is used in the section.

Electronic signatures are the electronic equivalent of a wet signature and are the result of actions taken by a person to sign a document. The U.S. Department of Defense, as a credentialing authority, issues CACs containing digital signatures. Digital signatures are used within a public key infrastructure—or PKI—that is a combination of products, services, facilities, policies, procedures, agreements and people that provide for and sustain secure interactions on open networks such as the internet. PKI is not a single monolithic entity, but a distributed system that provides assurances that information is protected while being entered and during transit and storage.

PKI provides four basic security services: (1) identification and authentication services that establish the authenticity of a transmission; (2) detection of unauthorized data modification to ensure data integrity; (3) assurance that the recipient of a transmission can be certain of the sender’s identity; and (4) prevention of unauthorized disclosure of information to unauthorized individuals.

When a CAC digital signature is created, two virtual “keys” are generated by the U.S. Department of Defense—a private key that only the digital signature owner has and a public key that anyone can access. The private key is stored on an individual’s CAC and is only accessible to the individual, while the individual’s public key is publicly available through the U.S. Department of Defense.

In the context of voting, a possible scenario is that an individual would like to register to vote and is an active service member absent from his or her voting residence. When the individual uses his or her CAC’s digital signature to sign a voter registration application or Federal Post Card Application, this electronic signature process attaches the individual’s CAC digital signature’s public key to the document. Because the individual attached his or her public key to the registration by signing it with his or her CAC digital signature, the individual’s local election office can determine that the specific individual in this scenario sent the document and that the document has not been modified since it was digitally signed by the individual.

The Data Standardization/Performance Metrics Subgroup considered the benefits that would be achieved from having a single standard for collecting and reporting UOCAVA-specific voter data at the transaction level—each critical interaction between the voter and state or
local election office. Specifically, the subgroup considered how the data currently reported in the EAVS Section B—the UOCAVA section of the survey—could be standardized for reporting purposes as part of an EAVS Section B Data Standard, or ESB. This standard would support FVAP’s current focus on developing a more automated process to obtain transactional-level data that will drive new voter-oriented programs. During its review, the subgroup identified several important benefits to having a data standard for UOCAVA voting, with some of these benefits realized by state and local election offices and others by FVAP and the EAC. These benefits include:

- **Ease of Reporting**—Data reporting would be simplified with the consistent use of a single data standard like the ESB for UOCAVA voting, and election data more generally, by all target consumers for these election data, including EAC, FVAP, and state and local election offices. Answering the EAVS or providing data to the EAC and FVAP becomes a simple matter of exporting the transactional data. A data standard means that, once a jurisdiction makes the upfront effort to set up an election management system to support the standard, exporting data is easy and relatively costless. This greatly reduces the overall administrative burden associated with the current post-election survey program administered by the EAC and FVAP.

- **Understanding Voting Success**—Analyzing transactional data would allow election administrators and FVAP to identify the factors that maximize voter success. These data can also provide state and local election offices with the data they need to justify resource requests and improve their services. By adopting successful election practices, state and local election offices can improve services at a lower cost to their constituencies simply through more effective resource allocation. Current post-election survey data only provide aggregate counts at the state and local election levels, which is a sound practice for comparative analysis, but does not permit a deeper examination of individual contributors to voter success.

- **Improved Customer Service**—Understanding voter success should lead to improved customer service because state and local election offices would have more accurate information about ways in which voters are served by their offices. By viewing UOCAVA voters as customers, state and local election offices and FVAP can work to improve their processes and workflows across the entire cycle of an election. This focus on transactions in the voting process also improves the transparency of elections and may help reduce the impact of possible post-election controversy and litigation regarding UOCAVA balloting, as election offices would better be able to provide evidence of what transpired at the voter level.

- **Cost Savings and Efficiencies**—By adopting the ESB standard and using the tools that allow data export of voter-level administrative data in an appropriate form, the costs associated with completing Section B of the EAVS decrease dramatically. The data would not have to be aggregated into a report but instead the raw transactional data could be exported for analysis by FVAP and the EAC. FVAP will work with the EAC to explore how this standard can be applied to the entire EAVS, which would simplify the EAVS reporting process. Having transactional data would allow for effective program evaluation and identification of effective practices. State and local election offices would better understand what works and what does not work in serving the UOCAVA population.

**RECOMMENDATIONS**

As elections have become more complex, technology has become indispensable. However, technology does not always mean the internet or some complex gadget. As the recommendations of the OVI Technology Working Group show, technology often can be a simple tool or enhancement that makes the election process work more effectively and efficiently. In response to the changing environment for military and overseas voting since the passage of the Military and Overseas Voter Empowerment Act of 2009, the OVI Technology Working Group members focused on three key issues in their work. First, how can the process of duplicating damaged or problem ballots be improved? Second, how can electronic signatures be used to facilitate the voter registration, ballot request and blank ballot delivery processes for military personnel? Finally, how can data standards make information technology systems produce data that can be easily analyzed?

Technology can help respond to these questions and play a critical role in improving what has often been a manual process. These recommendations are forward-looking as more UOCAVA voters likely will choose to receive blank ballots electronically in the future, resulting in more damaged or unreadable ballots that require duplication.

1. **Unreadable/Damaged Ballot Duplication**
   
   **Subgroup Members:** Robert Giles, Marci Andino, Paul Lux

   **Recommendation:** The OVI Technology Working Group supports state and local jurisdictions selecting a ballot duplication state for unreadable and damaged ballots that is appropriate for the number of paper ballots they process. Jurisdictions will vary in the number of paper...
ballots they process and, likewise, the number of ballots that need to be duplicated. Some jurisdictions duplicate a small number of unreadable or damaged ballots, but larger jurisdictions may duplicate thousands in each election. Jurisdictions that duplicate a large number of ballots may want to consider using an electronic ballot duplication technology that can automate the manual process.

**Recommendation:** Regardless of whether a jurisdiction uses a manual or an electronic ballot duplication process for its unreadable and damaged ballots, there should be clear procedures that ensure auditability. The OVI Technology Working Group recognizes that the laws, policies and procedures for ballot duplication vary by state. Taking that into account, jurisdictions should ensure that their processes for ballot duplication meet basic auditing standards. This would include having at least two individuals duplicate any unreadable or damaged ballot and having a process to confirm that the duplicated ballot is accurate. An audit log should exist so that the original ballot can be linked to the duplicated one. For example, the remade or duplicated ballots might be marked with a number that is linked to the original ballot so that the two ballots can be reconnected should a question arise, but not in such a manner that the voter can be identified.

**Recommendation:** Technologies for ballot duplication of unreadable and damaged ballots should be easy to use and promote transparency not only for election officials, but also for external observers. There are a variety of technologies that can assist election offices in duplicating ballots by automating the process. Ballot duplication technologies should enlist simple and intuitive on-screen navigations that prevent errors in the process. These technologies may include features such as a side-by-side, on-screen comparison between the original and the duplicated ballot to ensure accuracy in the duplication process or produce a printed ballot that provides auditability and additional transparency.

**Common Access Card/Digital Signature Verification**

**Subgroup Members:** Lori Augino, Amber McReynolds, Don Palmer, Justus Wendland

**Recommendation:** States should allow the use of a Common Access Card electronic signature to complete election-related activities such as submitting a Federal Post Card Application to register to vote, requesting an absentee ballot and indicating UOCA VA voting status via a state’s online election portal. The OVI Technology Working Group notes that the current process of signature verification uses a wet, or handwritten, signature given by an individual in an official capacity to a government representative—at the Department of Motor Vehicles, at a polling location, etc.—which is used as a reference signature for subsequent interactions between the voter and the election office. Just like the process for accepting a wet signature described above, a U.S. Department of Defense CAC also is issued by a governmental official at a government facility. In 2015, FVAP issued a report on the use of CACs in the context of elections administration that discussed how an active CAC can be used to provide an electronic signature in the voting process without additional U.S. Department of Defense involvement.

There are several federal laws that support the use of electronic signatures. Perhaps the most important is the Electronic Signatures in Global and National Commerce Act. The key concern with accepting any signature—an electronic signature or digitized signature—relates to the potential challenges to the enforceability of the signature. This issue can be evaluated using a risk analysis, which should consider: (1) the likelihood of a successful challenge to the validity of the signature, and (2) the adverse impact that would result from such a successful challenge to the enforceability of the signature. These risks are substantially reduced, if not eliminated entirely, by leveraging the U.S. Department of Defense as the trusted credentialing authority.

**Recommendation:** State laws should accommodate the use of electronic signatures in the election process for UOCA VA voters as they have in other sectors. The OVI Technology Working Group recommends that state laws address several key principles to best serve the UOCA VA population. First, laws should avoid being overly specific. A law based on specific principles, instead of based on a current technology, will remain relevant over time as cryptographic methods and technologies change. Second, laws should treat signatures equally whenever possible. States that accept electronic signatures for other transactions should apply these authorities to the use of electronic signatures on election documents.

**Recommendation:** State election offices should develop procedures and training materials in cooperation with FVAP and their local election offices regarding acceptance and use of a CAC electronic signature. State election offices should also develop, in conjunction with FVAP and their local election offices, educational resources for UOCA VA voters about using a CAC electronic signature and coordinate educational efforts with local military installations. The OVI Technology Working Group recognizes that state and local election offices play a central role in coordinating and providing services to their UOCA VA voters. Given that there is variation in: (1) states’ acceptance of an FPCA signed with an electronic signature, and (2) how states process the FPCA, states will be in the best position to work in conjunction with local election offices to reconcile state requirements and help educate their UOCA population about their electronic signature options. FVAP, as a component of the U.S.

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Department of Defense, is well positioned to assist with the education process and work directly with the states and local election offices as they consider the use of electronic signatures in the voter registration and absentee ballot request process.

### Data Standardization/Performance Metrics

**Subgroup Members:** Neal Kelley, Tom Connolly, Stan Stanart

**Recommendation:** State and local election offices should work with FVAP and the Election Assistance Commission, or EAC, to adopt and implement the Election Administration and Voting Survey, or EAVS, Section B Data Standard, recognizing that it is the best vehicle for reducing the burden of completing federal reporting requirements for military and overseas voting and for capturing and analyzing voter success data. Using a single data standard would simplify the process of reporting data. Once a jurisdiction makes the upfront effort to set up a system to support the standard, exporting data would be easy and relatively costless. The jurisdiction would export their transactions related to the issue in question—such as UOCA VA voting—and the data could then be analyzed easily to address a variety of research questions, something that is difficult to do currently with the aggregated data reported in the EAVS.

**Recommendation:** The Council of State Governments should work with FVAP to identify a method or partner agency that can support automated data collection and validation to ensure the continued use of this standard.

**Recommendation:** FVAP should continue to work cooperatively with the EAC and the National Institute of Standards and Technology, or NIST, to establish data repositories and related standards to support the long-term sustainability of the EAVS Section B Data Standard, or ESB. FVAP should also share lessons learned to assist similar EAC efforts in the future to reduce post-election reporting requirements.

**Recommendation:** Once the ESB is released, state and local election officials should ensure that the standard is incorporated into appropriate election technology provider contracts so that data can be exported using the ESB standard. Adopting the ESB requires election offices to engage in two important changes to their business practices. First, they will need to ensure that they are formatting data such as dates and state abbreviations using widely adopted standards. Second, they need to think of each transaction between the voter and the election office as a discrete and complete activity. Each transaction needs to be clear as to the action taken (e.g., a ballot was received by a voter), when the transaction occurred and, where possible, the relative success of the transaction.

### CONCLUSION

The technology solutions offered here address critical problems facing UOCAVA voters. As more ballots are transmitted electronically, there is a need to be able to duplicate these ballots so they can be counted by vote tabulators. As more activities related to voter registration and ballot request occur online, leveraging the U.S. Department of Defense CAC identity system will ensure that election officials can verify an individual’s identity using the best technology possible. Finally, capturing the election office–voter interactions in a standard data format will allow big data analytics to be used to identify best practices in UOCAVA election administration. Each of these solutions leverages existing knowledge and technologies, meaning that state and local election officials can easily implement these recommendations.

**The Council of State Governments Overseas Voting Initiative Approach to Working Group Collaboration**

The product of this working group was the result of the collaboration of a bipartisan assemblage of elected and appointed officials from across the United States to address issues with voting access by military personnel and their families stationed around the world and American citizens outside the United States. While the participating members of the working group represent the political spectrum of ideas, the members understood that the resulting work product of the group would be a non-partisan consensus approach to addressing the issues. As a result, this report should be viewed as the collaborative work of the committee and does not represent the positions or beliefs of any individual working group member.
**ABOUT CSG**

Established in 1933, The Council of State Governments is the only organization that takes state government to the next level by creating a multibranch, nonpartisan community. Because of this community, we are able to identify and share best practices and take on the critical challenges of the future in an unparalleled fashion. We conduct research, create forums for innovation and, through our community, ensure the states continue to be recognized as the laboratories of democracy.

**CSG OVERVIEW**

Governors, legislators, justices, appointed officials and agency directors—our community is composed of officials from all three branches of government from every state and territory in the U.S. Several Canadian provinces also participate in the CSG community through affiliations with CSG regional offices. CSG expertise includes affiliate organizations with specialized knowledge and the CSG Justice Center. Government affairs professionals from Fortune 500 companies, professional associations and nonprofit groups participate in the community through the CSG Associates program.

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**ABOUT OVI**

Many active duty military personnel are located in remote areas abroad and have limited access to state voting information and, in some cases, their ballot. U.S. citizens living overseas also have unique challenges in exercising their right to vote. These challenges are complicated by extreme variation in how states conduct elections and how absentee ballots are processed.

In September 2013, CSG launched a four-year, $3.2 million initiative with the U.S. Department of Defense Federal Voting Assistance Program or FVAP, to improve the return rate of overseas absentee ballots from service members and U.S. citizens abroad.

As part of this effort, CSG’s Overseas Voting Initiative maintains two separate advisory working groups. The CSG Policy Working Group is examining military and overseas voting recommendations from the Presidential Commission on Election Administration, as well as other successful programs and practices across the country. The CSG Technology Working Group is exploring issues such as performance metrics and data standardization for incorporation into state and local elections administration policies and practices for overseas ballots. Through the initiative, CSG will provide state policymakers and state and local election officials with best practice guides to ensure the men and women of the U.S. military and Americans living overseas are able to enjoy the same right to vote as citizens living in the United States.

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