2011 SENATE GOVERNMENT AND VETERANS AFFAIRS

SB 2120

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

SB 2120
January 14, 2011
12916

☐ Conference Committee

Committee Clerk Signature Katie Oliver

Explanation or reason for introduction of bill/resolution:

Relating to the adoption of the Overseas Military Voting Act.

Minutes: Testimony Attached

Vice Chairman Sorvaag opened the public hearing on SB 2120 and Senator David Hogue was present to introduce the bill.

Senator David Hogue: I am a member of the National Conference of Commissioners Uniform State Laws, it is a national body made up of attorneys, judges and law professors who are interested in drafting model legislation that states are interested in and SB 2120 is a product of that process. Process is legislative deliberative process & they draft legislation & subject it to peer review in meetings. There has been an effort over 10 yrs to reduce the impediments of people living overseas to cast a ballot, especially people in the armed services. The Congress has passed legislation to make it easier for federal elections & this act makes sure that provide the same protection & franchise oversees local and state elections. There are local elections, county wide elections 7 this act helps address that. 1 unusual process is that typical the Uniform law commission would bring this bill with some amendments. Secretary of State has been able to review it so the uniform law is in the bill. 1 change that I want to draw your attention to is in section 9.

Senator Cook: Does this bill come with any consequences if it's in the past. I want to clarify if we have the freedom to do with this what we want

Senator Dave Hogue: No, it is like any other bill.

Al Jager: Secretary of State. See attached testimony #1.

Mr. Jager came in front of the committee to speak in favor of the bill and to go through the proposed changes to the legislation as it is written currently.

Senator Nelson: Is there a specific form or is there a statement at the bottom?

Al Jaeger: We will create the statement but it won't be notarized. There is section later in the bill that prohibits the requirement of notarization.

Senator Cook: Is there a requirement that they notify you when that is not their address?

Al Jaeger: Yes I believe that is the case.

Jim Sulrum: True of any application that overseas voter would make. If I apply for a ballot on December 1 the application would be valid for 1 calendar year. If we know that they have moved.

Senator Cook: But you do have to continue it for 1 year, unless we find out differently

Jim Sulrum: Yes.

Mr. Jaeger then continued to explain the changes in the bill starting with section 15.

Jim Sulrum: The wording there is specific. What we expect to be on the ballot are things that we know for sure is going to be on the ballot. Same would be true of an office.

Senator Cook: What happened if we don't comply with federal law?

Al Jaeger: Someone from the Department of Justice would call on us. On a federal level they took a strong stance on it.

Senator Cook: I assume that congress is reviewing election laws. Does making the text easier for them help?

Al Jaeger: A lot of this bill is predicated on what the uniform people did. If you kill this entire bill I would need to get something inserted. We would be required to report something to the DOJ. They will need to let them know we have that provision

Senator Nelson: If I asked for a bill that put in Section 8 and left everything else alone, it's no longer a uniform law anyway since you went in and took out all the voter registration.

Al Jaeger: It meets all the requirements of the uniform law. On a national level they realize that certain uniform laws have to be changed.

Senator Nelson: We have been known to kill uniform bills. What happens if we kill this bill & only keep the parts that we need?

Al Jaeger: We are ok with this as it has not changed anything.

Jim Sulrum: The 45 day requirement is the main hitter that the federal government is pushing on, there are some other things that are being pushed, the electronic portions. They are being

pushed by members of congress to see that people overseas can cast their ballot. Currently the mail rate to Iraq is 25 days.

Al Jaeger: That is why I mentioned it, Jim worked very closely. Maybe I am more sensitive because I have worked with this bill. We have worked with them

Senator Cook: I am still curious what the teeth that Department of Justice has are.

Al Jaeger: Last November they came in and basically forced people to sign agreements, not of a financial nature. These are people who don't always understand common sense.

Jim Sulrum: The tooth for the Department of Justice is a lawsuit. They have the authority under the MOVE ACT that was passed in 2009. They can bring suit to any state that doesn't follow the 45 day window.

There was no further questions on SB 2120 and Chairman Dever closed the public hearing.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

SB 2120
January 20, 2011
13152

☐ Conference Committee

Committee Clerk Signature Katie Olive

Explanation or reason for introduction of bill/resolution:

Relating to the adoption of the Uniform Military Overseas Voters Act

Minutes: *No testimony attached*

Chairman Dever opened the floor to committee work on SB 2120.

Senator Nelson: I made the mistake of asking the question why we don't change the one section that needs to be changed and they said that they prefer to repeal our current law and put this uniform law in instead.

Senator Cook: It is my understanding that the one thing that we don't have in North Dakota law that gets us out of synch with the federal law is the 45 days requirement, we are at 40 days.

With that the committee delayed action on the bill until a further date.

2011 SENATE STANDING COMMITTEE MINUTES

Senate Government and Veteran's Affairs Committee
Missouri River Room, State Capitol

SB 2120
February 17, 2011
14654

☐ Conference Committee

Committee Clerk Signature Katie Dusek

Explanation or reason for introduction of bill/resolution:

Relating to the adoption of the Uniform Military and Overseas Voters Act

Minutes: *No testimony attached.*

The committee discussed the amendments that the Secretary of State had handed out with his attached testimony (attachment #1)

Senator Cook: The big key is the 45 days.

Chairman Dever: It appears to me that the jist of the amendments is to delete all the language currently in subsections 2 & 3 of Section 1.

Senator Cook: Page 10 Section 15 line 19 did we have a discussion on that the difference between expect and know to be on the ballot?

Chairman Dever: I am looking at the language above that that says 'not later than 100 days before a regular scheduled election' refereeing to the election notice.

Senator Nelson: It would seem to me that if the Secretary of State expects to see it on the ballot they would be close to having all the official things done.

Chairman Dever: this is talking 100 days before I think that the August 4 would be 90 days before which was the deadline for submitting positions so the Secretary of State has 30 days.

A motion to move the amendments was made by Senator Cook with a second by Senator Schaible, there was no further discussion, roll was taken and the motion passed 6-0-1. Immediately following that a motion for a do pass as amended was made by Senator Cook with a second by Senator Schaible, there was no further discussion, roll was taken and the motion passed 6-0-1 with Chairman Dever carrying the bill to the floor.

FISCAL NOTE

Requested by Legislative Council
01/05/2011

Bill/Resolution No.: SB 2120

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2009-2011 Biennium		2011-2013 Biennium		2013-2015 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	$0	$0	$0	$0	$0	$0
Expenditures	$0	$0	$0	$25,000	$0	$0
Appropriations	$0	$0	$0	$0	$0	$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2009-2011 Biennium			2011-2013 Biennium			2013-2015 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
$0	$0	$0	$0	$0	$0	$0	$0	$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The bill requires the Secretary of State to establish procedures to provide for the electronic transmission of absentee applications and ballots to military and overseas citizens qualified North Dakota electors in sections 5, 6, and 8.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

It is not possible at this time to provide an accurate cost estimate to implement the provisions of this bill because of the yet to be developed functionality by the Department of Defense Federal Voting Assistance Program (FVAP). Under this bill, North Dakota will be required to interface with the software applications developed by FVAP. In addition, there are other currently unknown cost factors regarding the electronic transmission requirements that must be established by the agency. Regardless, the intent of the agency is to pay for these costs from the Election Fund established under the Help America Vote Act (HAVA).

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*
   A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

See answer to 2B.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

See answer to 2B. The needed funds would be appropriated and available under the election reform line in SB 2002.

Name:	Al Jaeger	**Agency:**	Secretary of State
Phone Number:	328-2900	**Date Prepared:**	01/11/2011

11.0209.02002
Title.04000

Adopted by the Government and Veterans Affairs Committee
February 18, 2011

2/18/11

PROPOSED AMENDMENTS TO SENATE BILL NO. 2120

Page 1, line 10, overstrike "1."

Page 1, line 16, overstrike "2."

Page 1, line 16, remove "a."

Page 1, line 16, overstrike "A citizen of the United States who is eighteen years of age or older, has never"

Page 1, overstrike line 17

Page 1, line 18, overstrike "may vote absentee in this state"

Page 1, line 18, overstrike "if the individual:"

Page 1, line 19, remove "(1)"

Page 1, line 19, overstrike "Does not maintain a domicile;"

Page 1, line 20, remove "(2)"

Page 1, line 20, overstrike "Is not registered to vote in any other state, territory, or possession of the"

Page 1, overstrike line 21

Page 1, line 22, remove "(3)"

Page 1, line 22, overstrike "Is not voting in any other state, territory, or possession of the United States;"

Page 1, remove line 23

Page 2, line 1, remove "(4)"

Page 2, line 1, overstrike "Possesses a valid passport or card of identity and registration issued under"

Page 2, overstrike line 2

Page 2, line 4, remove "b. An"

Page 2, line 4, overstrike "elector"

Page 2, line 4, remove "described under subdivision a"

Page 2, line 4, overstrike "may vote only in federal elections,"

Page 2, overstrike lines 5 through 8

Renumber accordingly

Date: 2/17/11
Roll Call Vote #: 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2120

Senate Government and Veteran's Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Adopt Amend

Motion Made By Cook Seconded By Schaible

Senator	Yes	No	Senator	Yes	No
Chairman Dever	X		Senator Marcellais	X	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry					
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 6 No 0

Absent Berry

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Date: 2-17-11
Roll Call Vote #: 2

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2170

Senate Government and Veteran's Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass AS Amend

Motion Made By Cook Seconded By Schaible

Senator	Yes	No	Senator	Yes	No
Chairman Dever	X		Senator Marcellais	Y	
Vice Chairman Sorvaag	X		Senator Nelson	X	
Senator Barry					
Senator Cook	X				
Senator Schaible	X				

Total (Yes) 6 No 0

Absent Barry

Floor Assignment Dever

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2120: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2120 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "1."

Page 1, line 16, overstrike "2."

Page 1, line 16, remove "a."

Page 1, line 16, overstrike "A citizen of the United States who is eighteen years of age or older, has never"

Page 1, overstrike line 17

Page 1, line 18, overstrike "may vote absentee in this state"

Page 1, line 18, overstrike "if the individual:"

Page 1, line 19, remove "(1)"

Page 1, line 19, overstrike "Does not maintain a domicile;"

Page 1, line 20, remove "(2)"

Page 1, line 20, overstrike "Is not registered to vote in any other state, territory, or possession of the"

Page 1, overstrike line 21

Page 1, line 22, remove "(3)"

Page 1, line 22, overstrike "Is not voting in any other state, territory, or possession of the United States;"

Page 1, remove line 23

Page 2, line 1, remove "(4)"

Page 2, line 1, overstrike "Possesses a valid passport or card of identity and registration issued under"

Page 2, overstrike line 2

Page 2, line 4, remove "b. An"

Page 2, line 4, overstrike "elector"

Page 2, line 4, remove "described under subdivision a"

Page 2, line 4, overstrike "may vote only in federal elections,"

Page 2, overstrike lines 5 through 8

Renumber accordingly

2011 HOUSE GOVERNMENT AND VETERANS AFFAIRS

SB 2120

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2120
March 11, 2011
15324

☐ Conference Committee

Committee Clerk Signature Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the adoption of the Uniform Military and Overseas Voters Act, relating to absentee voting, relating to absent voter ballots

Minutes:

Chairman Bette Grande opened the hearing on SB 2120.

Al Jaeger, Secretary of State, appeared. **Attachment 1.**

Rep. Bill Amerman: The citizens living overseas to retain citizenship here, what do they have to do? Do they have to come back so often?

Al Jaeger: We have a lot of civilians that live overseas that are really United States citizens. There is no requirement for them to come back. The law says that you don't lose your voting right just because you are in the military.

Senator David Hogue, District 38, appeared. **Attachment 2.** The secretary is absolutely right that North Dakota has been well ahead of the game in terms of facilitating overseas voters from casting a ballot back in North Dakota whether they are part of the armed forces or part of the diplomatic corps.

Jim Silrum, Deputy Secretary of State, appeared and went over the sections of the bill as outlined on **Attachment 1.** This afternoon the staff of the secretary of state's office and I have a meeting to discuss how we would continue to implement ballot access to these voters. As I said we are not really changing law, we are just simply codifying it with new language. We have an idea that has been so well received around the country that the federal voting assistance program in the pentagon is currently debating on whether or not they would like to fund that for us, and there are other states that are so interested that currently South Dakota, Montana, Nebraska, and Iowa are all interested in piggybacking with us on our idea because they recognize us as leaders in this field and they would like to follow in our coattails.

Rep. Lisa Meier: Can you explain to me and the committee the details of what you go through when you receive a ballot from overseas that is in question. Then if you can just let

the committee and myself know how many ballots maybe perhaps in the last voting cycle were in question.

Jim Silrum: Tell me specifically what you mean by a ballot in question.

Rep. Lisa Meier: Of course, you probably have a committee that looks over ballots from overseas and let us say you have a ballot that is in question, the process that you go through then from there.

Jim Silrum: Whether it is from a military and overseas person or whether it is from any absentee voter, the process that is in place is when a ballot comes in, it comes to the local election board whether it is an absentee ballot precinct board or the polling place election board, that ballot comes to them. If they have a question about whether or not this ballot is from a qualified elector of that particular polling place, they go through a process by which they compare the signatures on the absentee ballot application with the signature that is on the affidavit returned with the absentee ballot. They go through that process to determine whether that is a qualified elector. If they determine that here is an absentee ballot that came out of nowhere because there is no absentee ballot application that requested that ballot, those are considered to be challenged ballots which are then forwarded on to the county canvassing board or if it is a school or city election to the canvassing board for the city or school where the canvassing board also has the process of determining whether that ballot is accepted or rejected. In the case with military and overseas voters every county has an obligation of letting that military and overseas voter know if their ballot has been rejected. In response to Rep. Meier's question about how many ballots were in question or contested, there was only one rejection of a military or overseas ballot last time.

Vice Chairman Randy Boehning: When you implement this, you say we are going to do a signature on line. How are the school districts and the city commissions going to set this up? Are they going to be able to access your system? In order to make it to work, are they going to have the buy the system? How is that going to work when you get to the locals where they don't use the county auditor?

Jim Silrum: They would be able to use our system. We have constructed our election management system called North Dakota Voices in such a way so that it can be the system that is used for all elections that happen within the state. Special elections are going to be strongly encouraged to use this system because we want to give those advantages to the military and overseas to be able to vote for city special elections or school board elections just as much as we would to vote for a legislative office or a statewide office.

Vice Chairman Randy Boehning: Are the smaller cities going to be the same process as the larger cities like Fargo? Are they going to be able to email the city auditor type of thing? Are they going to have set up a special email account?

Jim Silrum: Under this the county auditor is going to have to be primarily responsible for making sure that those electronic requests are distributed out to the school business manager, the city auditor, that sort of thing to make sure that particular voter does have the opportunity to vote. What the department of defense is asking for, though, is that there be one process in the state for a voter to request and essentially receive an absentee ballot.

They don't want to have a situation where if it is a statewide election, you use this process and if it is a city election, you use this process, and if it is a school election, you use this process. Those serving in the military overseas don't have time to think about those kinds of things. One of our major challenges is to make sure that the application process and the voting process can take no more than 15 minutes for those individuals because the internet connection is so poor in order to receive those things for them.

Rep. Roscoe Streyle: In the national associations you go to is there any talk about secure internet voting?

Jim Silrum: West Virginia decided to go a little bit rogue on their own because internet voting is not currently determined to be secure. What we are talking about here is not at all internet voting. What we are talking about is simply the transmission and the return of ballots. West Virginia did try that. They probably are a little bit sorry that they did. Washington, DC tried that but before they tried it they sent out a message to the country saying any hacker that wants to try and tear down our system for internet voting, go ahead and do that. They were so utterly humiliated by the hackers and what they were able to do that they abandoned that process.

Rep. Karen Karls: You mentioned when a military ballot is rejected, you are responsible for notifying that military person. Does that also apply to civilians back home who voted absentee and did something wrong and it was rejected? You don't have to notify domestic citizens do you?

Jim Silrum: You are correct. We do not have to notify them. That provision in law came about because of the Help America Vote Act of 2002 which put that requirement in for military and overseas voters. It did not, however, put that in for domestic absentee voters. Again the process is open and so if an absentee ballot is rejected it is rejected so in public, both at the election board on election night from the election board there, and also then subsequently finally rejected by the canvassing board. Both of those are open to the public and a person who is voting absentee and living here domestically is far more likely to be able to come to that than would be a military or overseas voter.

Vice Chairman Randy Boehning: When you vote overseas, you just do an attachment. When you put the attachment on, can the attachment be changed?

Jim Silrum: We are putting in encryption standards so that ballot will be encrypted and will be much more difficult to change. The election official receiving that ballot is under oath at the time that they need to protect the privacy and to protect that voter by simply doing nothing more than printing out that ballot, making sure that the voter's choices are identified there, and then sealing that ballot up so that the election board then can process that.

Vice Chairman Randy Boehning: What happens to the email?

Jim Silrum: We have not specifically dealt with that as to what happens to an email that comes in after you have printed it out. It is most commonly thought of and I would think the common sense process would be after the ballot has been printed, after the affidavit has

been printed, after the ballot has been sealed up and ready for the election board, then the email is destroyed. We will make sure that is happening.

There was no one opposed or neutral to this bill.

The hearing was closed.

2011 HOUSE STANDING COMMITTEE MINUTES

House Government and Veterans Affairs Committee
Fort Union Room, State Capitol

SB 2120
March 17, 2011
15638

☐ Conference Committee

Committee Clerk Signature Carmen Hart

Explanation or reason for introduction of bill/resolution:

Relating to the adoption of the Uniform Military and Overseas Voters Act, relating to absentee voting, relating to absent voter ballots

Minutes:

Chairman Bette Grande opened the discussion on SB 2120. I am not seeing any notations about needing to amend or change this at all.

Rep. Mark Sanford moved a do pass.

Rep. Karen Karls seconded the motion.

Vice Chairman Randy Boehning: I don't think this has to be referred.

Chairman Bette Grande: This is part of the HAVA so that is part of this budget. It is not general fund.

DO PASS, 10 YEAS, 0 NAYS, 3 ABSENT. Rep. Gary Paur is the carrier of this bill.

Date: 3-17-11
Roll Call Vote #: 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2120

House GOVERNMENT AND VETERAN AFFAIRS Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment

☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Sanford Seconded By Karls

Representatives	Yes	No	Representatives	Yes	No
Chairman Bette Grande	✓		Bill Amerman	✓	
Vice Chairman Randy Boehning	✓		Ron Guggisberg		
Glen Froseth			Lonny Winrich	✓	
Karen Karls	✓				
Lisa Meier					
Gary Paur	✓				
Karen Rohr	✓				
Mark Sanford	✓				
Vicky Steiner	✓				
Roscoe Streyle	✓				

Total (Yes) 10 No 0

Absent 3

Floor Assignment Paur

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2120, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2120 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2120

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SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 14, 2011

TO: Senator Dever, Chairman, and Members of the Senate Government & Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2120 – Uniform Military and Overseas Voters Act

BACKGROUND: Although this is a uniform law, it mostly changes the text of existing long standing North Dakota law. Nearly all of the recommended provisions of this bill have already existed in North Dakota law for many years.

For example, in 1992, North Dakota was one of the first states to allow the sending of ballots via facsimile (fax) transmission. Then, because of a deployment in 2004, it was learned that fax machines were no longer readily available in military units. Consequently, in the 2005 session, legislation was adopted to allow ballots to be transmitted from and returned to county auditors by voters as an e-mail attachment. While the preference is to return the ballot via mail, in those situations where enough time isn't available to mail the ballot, this is a very viable option.

The bill contains provisions that require enhancements to the Secretary of State's election administration system. Although it is not known now what the costs might be, the funds will be available in the election fund established in 2003, as required by the Help America Vote Act of 2002 (HAVA).

Section 1, page 1, lines 10 though 13: The text is removed because the voters are now identified in the expanded definitions included in Section 3.

Attached to this testimony is an amendment. Beginning on page 1, line 16 through page 2, line 8, the amendment removes the text because the provisions are covered on page 4 in Section 3, subdivision (1)(d). The amendment also removes the underscoring on page 2, line 9, because this text already exists in state law. As amended, N.D.C.C. § 16.1-07-01, will read as follows:

> 16.1-07-01. Absent voter. Any qualified elector of this state may vote an absent voter's ballot at any general, special, or primary state election, any county election, or any city or school district election. An elector who votes by absentee ballot may not vote in person at the same election.

Section 2, page 2, lines 17 through 21: The added text provides additional options for a qualified elector to obtain an absentee ballot.

Section 2, page 2, lines 25 through 31 and page 3 lines 1 through 21: The text is removed because the provisions are now included in Section 6 of the bill.

Section 3, page 4, line 1 through line 18 of page 5: This section is the first segment of the bill that includes text from the Uniform State Law Commission. It defines the many different terms found throughout the bill. Although current North Dakota law does not contain specific definitions, none of the terms defined in this section are substantively different from how they are understood and used currently in the Century Code.

Section 4, page 5, lines 19 through 27: Each election that falls under the provisions of this bill are listed and they are the same ones as covered in current North Dakota law.

Section 5, page 5, lines 28 and 29 through line 24 on page 6: This section lists the role of the Secretary of State in carrying out the provisions of the bill, which are:

1. Responsibility for carrying out the requirements of the bill.
2. Providing information to military and overseas voters on casting a ballot.
3. Providing an electronic transmission system for the ballot application process and ballot delivery (which will be covered by funds in the election reform account).
4. Provide standardized voting materials
5. Developing a voter declaration form for identity, eligibility, status, and timely completion.

Section 6, page 6, lines 25 through 30 and page 6, line 1 through line 20: The section provides for the methods for applying for an absentee ballot. It replaces the current law in Section 2, pages 2 and 3, subsections 2, 3, and 4 and why N.D.C.C. § 16.1-07-08.1 is repealed in Section 19.

Section 7, page 7, lines 21 through 27: It allows an absentee ballot application to be received before the close of business on the day prior to the election. The ballot can then be transmitted electronically by the county auditor to the voter, but the voter must return it electronically or by other delivery no later than 11:59 p.m. on that same day.

Section 8, page 7, lines 28 and 29, page 8, lines 1 through 15: The appropriate election official must transmit a ballot to the voter no later than 45th day prior to the election (the 46th day if the 45th day falls on a weekend or holiday), for all applications for a ballot received prior to that date. For all applications received after that date, the appropriate election official must transmit the ballot within two business days.

Section 9, page 8, lines 16 through 22: A ballot is eligible for tabulation, if it is submitted by the voter by 11:59 p.m. on the day before the election and it is delivered to the appropriate election official before the meeting of the canvassing board, which cannot take place earlier than the third day after the election and no later than the sixth day after the election.

Section 10, page 8, lines 23 through 28: This section provides for a federal write-in ballot, which is already covered in current law and is why N.D.C.C. § 16.1-07-08.1 is repealed in Section 19.

Section 11, page 8, lines 29 and 30 and page 9 lines 1 through 7: A ballot must be transmitted before 11:59 p.m. on the day before the election and must arrive before the meeting of the canvassing board. If at the time the voter submits the ballot and the affirms under the penalty of perjury that it was timely submitted, the ballot may not be rejected on the basis that it had a late postmark, an unreadable postmark, or no postmark.

Section 12, page 9, lines 8 through 13: This provides that each military-overseas ballot must be accompanied by a statement signed by the voter acknowledging he or she knows any material misstatement of fact by them may be grounds for criminal prosecution.

Section 13, page 9, lines 14 through 22: This section of the Uniform Law requires the Secretary of State to provide an electronic method by which the military-overseas voter can track his or her ballot. This system has already existed for the past two election cycles and is used by all absentee voters to track ballots.

Section 14, page 9, lines 23 through 31 and page 10, lines 1 through 8: This section allows the voter to provide a standing request for the electronic transmission of a ballot. The military-overseas voter may make this request through December 31 of the year following the date of their application (the request made by other voters is only valid for state elections in the current year). The e-mail address is confidential and may only be used by election officials for voting purposes.

Section 15, page 10, lines 1 through 31: This section establishes timelines for providing notice to voters regarding offices and measures "expect" to be on the ballot. The Secretary of State has a system already in place, called ND Voices, which will accommodate the requirements.

Section 16, page 11, lines 1 through 18: These Uniform Law provisions regarding non-essential requirements are not currently in North Dakota law, but their inclusion maintains the uniformity of the law as recommended by the commission and can be easily accommodated and they do not conflict with any existing state election law.

Section 17, page 11, lines 19 through 25: It states a court may ensure compliance of this Act to maintain the uniformity of the law as recommended by the commission.

Section 18, page 11, lines 26 through 30 and page 12, lines 1 and 2: Through its references and wording, this section authorizes electronic signatures. Steps will be taken to define secure methods of authenticating such signatures. Currently, the comparison of a "wet" signature on the application and the ballot return envelope authenticates the validity of the voter's identity.

Section 19, page 12, lines 3 and 4: N.D.C.C. § 16.1-07-03 is repealed because it states that only printed ballots are official ballots and under this bill a ballot can be transmitted electronically. N.D.C.C. § 16.1-07-08.1 is repealed because it is replaced by text in Sections 6 and 10.

SB2120

Additional language (underlined) Section 1, starting at line 10, page 1.

16.1-07-01. Absent voter – Who may vote.

Any qualified elector of this state who reasonably expects to be unable to go to the polling place on election day in the precinct where the individual maintains residence because of absence from the precinct; illness; disability; religious discipline; observance of a religious holiday; or service as an election judge in another precinct may vote an absent voter's ballot at any general, special, or primary state election, any county election, or any city or school district election.

RECORD OF EMERGENCY DATA

PRIVACY ACT STATEMENT

AUTHORITY: 5 USC 552, 10 USC 655, 1475 to 1480 and 2771, 38 USC 1970, 44 USC 3101, and EO 9397 (SSN).
PRINCIPAL PURPOSES: This form is used by military personnel and Department of Defense civilian and contractor personnel, collectively referred to as civilians, when applicable. **For military personnel**, it is used to designate beneficiaries for certain benefits in the event of the Service member's death. It is also a guide for disposition of that member's pay and allowances if captured, missing or interned. It also shows names and addresses of the person(s) the Service member desires to be notified in case of emergency or death. **For civilian personnel**, it is used to expedite the notification process in the event of an emergency and/or the death of the member. The purpose of soliciting the SSN is to provide positive identification. All items may not be applicable.
ROUTINE USES: None.
DISCLOSURE: Voluntary; however, failure to provide accurate personal identifier information and other solicited information will delay notification and the processing of benefits to designated beneficiaries if applicable.

INSTRUCTIONS TO SERVICE MEMBER

This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty (other family members or fiance), and, to designate beneficiaries for certain benefits if you die. IT IS YOUR RESPONSIBILITY to keep your Record of Emergency Data up to date to show your desires as to beneficiaries to receive certain death payments, and to show changes in your family or other personnel listed, for example, as a result of marriage, civil court action, death, or address change.

INSTRUCTIONS TO CIVILIANS

This extremely important form is to be used by you to show the names and addresses of your spouse, children, parents, and any other person(s) you would like notified if you become a casualty. Not every item on this form is applicable to you. **This form is used by the Department of Defense (DoD) to expedite notification in the case of emergencies or death.** It does not have a legal impact on other forms you may have completed with the DoD or your employer.

IMPORTANT: This form is divided into two sections: Section 1 - Emergency Contact Information and Section 2 - Benefits Related Information. READ THE INSTRUCTIONS ON PAGES 3 AND 4 BEFORE COMPLETING THIS FORM.

SECTION 1 - EMERGENCY CONTACT INFORMATION

1. NAME *(Last, First, Middle Initial)*	2. SSN

3a. SERVICE/CIVILIAN CATEGORY	b. REPORTING UNIT CODE/DUTY STATION
☐ ARMY ☐ NAVY ☐ MARINE CORPS ☐ AIR FORCE ☐ DoD ☐ CIVILIAN ☐ CONTRACTOR	

4a. SPOUSE NAME *(If applicable) (Last, First, Middle Initial)*	b. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER
☐ SINGLE ☐ DIVORCED ☐ WIDOWED	

5. CHILDREN a. NAME *(Last, First, Middle Initial)*	b. RELATIONSHIP	c. DATE OF BIRTH *(YYYYMMDD)*	d. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER

6a. FATHER NAME *(Last, First, Middle Initial)*	b. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER

7a. MOTHER NAME *(Last, First, Middle Initial)*	b. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER

8a. DO NOT NOTIFY DUE TO ILL HEALTH	b. NOTIFY INSTEAD

9a. DESIGNATED PERSON(S) *(Military only)*	b. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER

10. CONTRACTING AGENCY AND TELEPHONE NUMBER *(Contractors only)*

SECTION 2 - BENEFITS RELATED INFORMATION

11a. BENEFICIARY(IES) FOR DEATH GRATUITY *(Military only)*	b. RELATIONSHIP	c. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER	d. PERCENTAGE

12a. BENEFICIARY(IES) FOR UNPAID PAY/ALLOWANCES *(Military only)* NAME AND RELATIONSHIP	b. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER	c. PERCENTAGE

13a. PERSON AUTHORIZED TO DIRECT DISPOSITION (PADD) *(Military only)* NAME AND RELATIONSHIP	b. ADDRESS *(Include ZIP Code)* AND TELEPHONE NUMBER

14. CONTINUATION/REMARKS

15. SIGNATURE OF SERVICE MEMBER/CIVILIAN *(Include rank, rate, or grade if applicable)*	16. SIGNATURE OF WITNESS *(Include rank, rate, or grade as appropriate)*	17. DATE SIGNED *(YYYYMMDD)*

INSTRUCTIONS FOR PREPARING DD FORM 93

(See appropriate Service Directives for supplemental instructions for completion of this form at other than MEPS)

All entries explained below are for electronic or typewriter completion, except those specifically noted. If a computer or typewriter is not available, print in black or blue-black ink insuring a legible image on all copies. Include "Jr.," "Sr.," "III" or similar designation for each name, if applicable. When an address is entered, include the appropriate ZIP Code. If the member cannot provide a current address, indicate "unknown" in the appropriate item. Addresses shown as P.O. Box Numbers or RFD numbers should indicate in Item 14, "Continuations/Remarks", a street address or general guidance to reach the place of residence. In addition, the notation "See Item 14" should be included in the item pertaining to the particular next of kin or when the space for a particular item is insufficient. If the address for the person in the item has been shown in a preceding item, it is unnecessary to repeat the address; however, the name must be entered. Those items that are considered not applicable to civilians will be left blank.

ITEM 1. Enter full last name, first name, and middle initial.

ITEM 2. Enter social security number (SSN).

ITEM 3a. Service. **Military:** Mark X in appropriate block. **Civilian:** Mark two blocks as appropriate. Examples: an Army civilian would mark Army and either Civilian or Contractor; a DoD civilian, without affiliation to one of the Military Services, would mark DoD and then either Civilian or Contractor as appropriate.

ITEM 3b. Reporting Unit Code/Duty Station. See Service Directives.

ITEM 4a. Spouse Name. Enter last name (if different from Item 1), first name and middle initial on the line provided. If single, divorced, or widowed, mark appropriate block.

ITEM 4b. Address and Telephone Number. Enter the "actual" address and telephone number, not the mailing address. Include civilian title or military rank and service if applicable. If one of the blocks in 4a is marked, leave blank.

ITEM 5a-d. Children. Enter last name (only if different from Item 1) first name and middle initial, relationship, and date of birth of all children. If none, so state. Include illegitimate children if acknowledged by member or paternity/maternity has been judicially decreed. Relationship examples: son, daughter, stepson or daughter, adopted son or daughter or ward. Date of birth example: 19950704. For children not living with the member's current spouse, include address and name and relationship of person with whom residing in item 5d.

ITEM 6a. Father Name. Last name, first name and middle initial.

ITEM 6b. Address and Telephone Number of Father. If unknown or deceased, so state. Include civilian title or military rank and service if applicable. If other than natural father is listed, indicate relationship.

ITEM 7a. Mother Name. Last name, first name and middle initial.

ITEM 7b. Address and Telephone Number of Mother. If unknown or deceased, so state. Include civilian title or military rank and service if applicable. If other than natural mother is listed, indicate relationship.

ITEM 8. Persons Not to be Notified Due to Ill Health.
a. List relationship, e.g., "Mother," of person(s) listed in Items 4, 5, 6, or 7 who are not to be notified of a casualty due to ill health. If more than one child, specify, e.g., "daughter Susan." Otherwise, enter "None".
b. List relationship, e.g., "Father" or name and address of person(s) to be notified in lieu of person(s) listed in item 8a. If "None" is entered in Item 8a, leave blank.

ITEM 9a. This item will be used to record the name of the person or persons, if any, other than the member's primary next of kin or immediate family, to whom information on the whereabouts and status of the member shall be provided if the member is placed in a missing status. Reference 10 USC, Section 655. **NOT APPLICABLE to civilians.**

ITEM 9b. Address and telephone number of Designated Person(s). **NOT APPLICABLE to civilians.**

ITEM 10. Contracting Agency and Telephone Number **(Contractors only). NOT APPLICABLE to military personnel.** Civilian contractors will provide the name of their contracting agency and its telephone number. Example: XYZ Electric, (703) 555-5689. The telephone number should be to the company or corporation's personnel or human resources office.

ITEM 11a. Beneficiary(ies) for Death Gratuity **(Military only)**. Enter first name(s), middle initial, and last name(s) of the person(s) to receive death gratuity pay. A member may designate one or more persons to receive all or a portion of the death gratuity pay. The designation of a person to receive a portion of the amount shall indicate the percentage of the amount, to be specified only in 10 percent increments, that the person may receive. If the member does not wish to designate a beneficiary for the payment of death gratuity, enter "None," or if the full amount is not designated, the payment or balance will be paid as follows:

(1) To the surviving spouse of the person, if any;
(2) To any surviving children of the person and the descendants of any deceased children by representation;
(3) To the surviving parents or the survivor of them;
(4) To the duly appointed executor or administrator of the estate of the person;
(5) If there are none of the above, to other next of kin of the person entitled under the laws of domicile of the person at the time of the person's death.

The member should make specific designations, as it expedites payment.

INSTRUCTIONS FOR PREPARING DD FORM 93

(Continued)

ITEM 11a. *(Continued)* Seek legal advice if naming a minor child as a beneficiary. If a member has a spouse but designates a person other than the spouse to receive all or a portion of the death gratuity pay, the Service concerned is required to provide notice of the designation to the spouse. **NOT APPLICABLE to civilians.**

Item 11b. Relationship. **NOT APPLICABLE to civilians.**

ITEM 11c. Enter beneficiary(ies) full mailing address and telephone number to include the ZIP Code. **NOT APPLICABLE to civilians.**

ITEM 11d. Show the percentage to be paid to each person. Enter 10%, 20%, 30%, up to 100% as appropriate. The sum shares must equal 100 percent. If no percent is indicated and more than one person is named, the money is paid in equal shares to the persons named. **NOT APPLICABLE to civilians.**

ITEM 12a. Beneficiary(ies) for Unpaid Pay/Allowance **(Military only).** Enter first name(s), middle initial, last name(s) and relationship of person to receive unpaid pay and allowances at the time of death. The member may indicate anyone to receive this payment. If the member designated two or more beneficiaries, state the percentage to be paid each in item 10c. If the member does not wish to designate a beneficiary, enter "By Law." The member is urged to designate a beneficiary for unpaid pay and allowances as payment will be made to the person in order of precedence by law (10 USC 2771) in the absence of a designation. Seek legal advice if naming a minor child as beneficiary. **NOT APPLICABLE to civilians.**

ITEM 12b. Enter beneficiary(ies) full mailing address and telephone number to include the ZIP Code. **NOT APPLICABLE to civilians.**

ITEM 12c. If the member designated two or more beneficiaries, state the percentage to be paid each in this section. The sum shares must equal 100 percent. **NOT APPLICABLE to civilians.**

ITEM 13a. Enter the name and relationship of the Person Authorized to Direct Disposition (PADD) of your remains should you become a casualty. Only the following persons may be named as a PADD: surviving spouse, blood relative of legal age, or adoptive relatives of the decedent. If neither of these three can be found, a person standing in loco parentis may be named. **NOT APPLICABLE to civilians.**

ITEM 13b. Address and telephone number of PADD. **NOT APPLICABLE to civilians.**

ITEM 14. Continuations/Remarks. Use this item for remarks or continuation of other items, if necessary. Prefix entry with the number of the item being continued; for example, 5/John J./son/ 19851220/321 Pecan Drive, Schertz TX 78151. Also use this item to list name, address, and relationship of other persons the member desires to be notified. Other dependents may also be listed. This block offers the greatest amount of flexibility for the member to record other important information not otherwise requested but considered extremely useful in the casualty notification and assistance process. Besides continuing information from other blocks on this form, the member may desire to include additional information such as: NOK language barriers, location or existence of a Will, additional private insurance information, other family member contact numbers, etc. If additional space is required, attach a supplemental sheet of standard bond paper with the information.

ITEM 15. Signature of Service Member/Civilian. Check and verify all entries and sign all copies in ink as follows: First name, middle initial, last name. Include rank, rate, or grade if applicable. May be electronically signed (see DoD Instruction 1300.18 for guidelines).

ITEM 16. Signature of Witness. Have a witness (disinterested person) sign all copies in ink as follows: First name, middle initial, last name. Include rank, rate, or grade as appropriate. A witness signature is not required for electronic versions of the DD Form 93 (see DoD Instruction 1300.18).

ITEM 17. Date the member or civilian signs the form. This item is an ink entry and must be completed on all copies.

Attachment 1
2120

ALVIN A. JAEGER
SECRETARY OF STATE
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SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 11, 2011

TO: Rep Grande, Chairman, and Members of the House Government and Veterans Affairs Committee

FR: Al Jaeger, Secretary of State

RE: SB 2120 – Uniform Military and Overseas Voters Act

BACKGROUND: Although this is a uniform law, it mostly changes the text of existing long standing North Dakota law. Nearly all of the recommended provisions of this bill have already existed in North Dakota law for many years.

For example, in 1992, North Dakota was one of the first states to allow the sending of ballots via facsimile (fax) transmission. Then, because of a deployment in 2004, it was learned that fax machines were no longer readily available in military units. Consequently, in the 2005 session, legislation was adopted to allow ballots to be transmitted from and returned to county auditors by voters as an e-mail attachment. While the preference is to return the ballot via mail, in those situations where enough time isn't available to mail the ballot, this is a very viable option.

The bill contains provisions that require enhancements to the Secretary of State's election administration system. Although it is not known now what the costs might be, the funds will be available in the election fund established in 2003, as required by the Help America Vote Act of 2002 (HAVA).

Section 1, page 1, lines 9 though 13, 16 through 23, and page 2, lines 1 through 5: The text is removed because these voters are now identified in the expanded definitions included in Section 3 of the bill. If the bill is passed without further amendment to this section, 16.1-07-01 will read as follows:

> 16.1-07-01. Absent voter. Any qualified elector of this state may vote an absent voter's ballot at any general, special, or primary state election, any county election, or any city or school district election. An elector who votes by absentee ballot may not vote in person at the same election.

Section 2, page 2, lines 9 through 18: The text, as amended, identifies sources and methods whereby a qualified elector may request and return an absentee ballot application.

Section 2, page 2, lines 22 through 31 and page 3 lines 1 through 18: The text is removed because the provisions are now included in Section 6 of the bill.

Section 3, page 3, line 30 through line 14 of page 5: This section is the first segment of the bill that includes text from the Uniform State Law Commission. It defines the many different terms found throughout the bill. Although current North Dakota law does not contain specific definitions, none of the terms defined in this section are substantively different from how they are understood and used currently in the Century Code.

Section 4, page 5, lines 17 through 23: Each election that falls under the provisions of this bill are listed and they are the same ones as covered in current North Dakota law.

Section 5, page 5, line 26 through line 18 on page 6: This section lists the role of the Secretary of State in carrying out the provisions of the bill, which are:

1. Responsibility for carrying out the requirements of the bill.
2. Providing information to military and overseas voters on casting a ballot.
3. Providing an electronic transmission system for the ballot application process and ballot delivery (which will be covered by funds in the election reform account).
4. Provide standardized absentee voting materials
5. Developing a voter declaration form for identity, eligibility, status, and timely completion.

Section 6, page 6, line 21 through line 14 on page 7: The section provides for the methods for military and overseas voters to apply for an absentee ballot. It replaces the current law in Section 2, pages 2 and 3, subsections 2, 3, and 4 and why N.D.C.C. § 16.1-07-08.1 is repealed in Section 19.

Section 7, page 7, lines 17 through 21: It allows an absentee ballot application to be received before the close of business on the day prior to the election. The ballot can then be transmitted electronically by the election official (county auditor, city auditor, school business manager) to the voter, but the voter must return it electronically or by other delivery no later than 11:59 p.m. on that same day.

Section 8, page 7, line 24 through line 8 on page 8: The appropriate election official must transmit a ballot to the voter no later than the 45th day prior to the election (or the preceding business day if the 45th day falls on a weekend or holiday), for all applications for a ballot received prior to that date. For all applications received after that date, the appropriate election official must transmit the ballot within two business days.

Section 9, page 8, lines 11 through 15: A ballot is eligible for tabulation, if it is submitted by the voter by 11:59 p.m. on the day before the election and it is delivered to the appropriate election official before the meeting of the canvassing board, which cannot take place earlier than the third day after the election and no later than the sixth day after the election.

Section 10, page 8, lines 18 through 21: This section provides for a federal write-in ballot, which is already covered in current law and is why N.D.C.C. § 16.1-07-08.1 is repealed in Section 19.

Section 11, page 8, lines 24 through 30: A ballot must be transmitted before 11:59 p.m. on the day before the election and must arrive before the meeting of the canvassing board. If at the time the voter submits the ballot and the affirms under the penalty of perjury that it was timely submitted, the ballot may not be rejected on the basis that it had a late postmark, an unreadable postmark, or no postmark.

Section 12, page 9, lines 3 through 6: This provides that each military-overseas ballot must be accompanied by a statement signed by the voter acknowledging he or she knows any material misstatement of fact by them may be grounds for criminal prosecution.

Section 13, page 9, lines 9 through 15: This section of the Uniform Law requires the Secretary of State to provide an electronic method by which the military-overseas voter can track his or her ballot. This system has existed for the past two election cycles and is used by all absentee voters to track ballots.

Section 14, page 9, lines 18 through 30 and page 10, lines 1 and 2: This section allows the voter to provide a standing request for the electronic transmission of a ballot. The military-overseas voter may make this request through December 31 of the year following the date of their application (the request made by other voters is only valid for state elections in the current year). The e-mail address is confidential and may only be used by election officials for voting purposes.

Section 15, page 10, lines 5 through 25: This section establishes timelines for providing notice to voters regarding offices and measures "expected" to be on the ballot. The Secretary of State has a system already in place, called ND VOICES, which will accommodate the requirements.

Section 16, page 10, line 28 through page 11, line 12: These Uniform Law provisions regarding non-essential requirements are not currently in North Dakota law, but their inclusion maintains the uniformity of the law as recommended by the commission and can be easily accommodated and they do not conflict with any existing state election law.

Section 17, page 11, lines 15 through 19: It states a court may ensure compliance of this Act to maintain the uniformity of the law as recommended by the commission.

Section 18, page 11, lines 22 through 26: Through its references and wording, this section authorizes electronic signatures. Steps will be taken to define secure methods of authenticating such signatures.

Section 19, page 11, lines 27 and 28: N.D.C.C. § 16.1-07-03 is repealed because it states that only printed ballots are official ballots and under this bill a ballot can be transmitted electronically. N.D.C.C. § 16.1-07-08.1 is repealed because it is replaced by text in Sections 6 and 10.

Attachment 2
2120

TESTIMONY OF DAVID HOGUE IN SUPPORT OF SB 2120

House Government and Veterans Affairs Committee

March 11, 2011

10:30 am

Good Morning Madam Chair Grande and other members of the Committee. My name is David Hogue. I am a North Dakota Senator representing District 38 which includes Northwest Minot and the city of Burlington. I am also a member of the North Dakota delegation of the National Conference of Commissioners of Uniform State Laws ("NCCUSL"). The North Dakota Commission urges the passage of Senate Bill 2120. SB 2120 is a product of NCCUSL.

SB 2120 is the Uniform Military and Overseas Voters Act with amendments from the North Dakota Secretary of State. The purpose of the Act is to facilitate the voting process for members of our armed forces, our diplomatic corps, and other eligible voters living overseas.

Current federal law directs the states to accommodate overseas voters for federal elections. This Act harmonizes the federal act and extends it to those rare cases of elections that are not a federal election.

I have visited with the Ward County Auditor and the Burleigh County auditor concerning the election process for overseas voters. The absence of voter registration facilitates voting by North Dakota residents serving overseas. Our auditors accept

facsimile transmissions of ballots. Madam Chair, I support this measure because I think it will facilitate the process of casting a ballot by our residents who are serving overseas.