



PERSONNEL AND  
READINESS

UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000



October 29, 2004

The Honorable Nancy Worley  
Secretary of State  
Alabama State Capitol, Room S-105  
Montgomery, Alabama 36103

Re: Changes in Absentee Ballot Rules for Uniformed Services and Overseas Voters

Dear Secretary Worley:

The Department of Defense is responsible for administering the federal responsibilities of the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA"), 42 U.S.C. 1973ff et. seq., and the Department of Justice is charged with enforcing the statute.

We are writing to notify you of an important change in UOCAVA that affects the voting rights of military personnel, their dependents, and other overseas voters. On October 28, 2004, President Bush signed into law H.R. 4200, the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 ("the Act"). Section 566 of the Act amends UOCAVA by expanding the use of the Federal Write-In Absentee Ballot ("FWAB").

As you are aware, use of the FWAB was previously limited to absent overseas voters. The Act amends UOCAVA so that FWABs can now also be used by absent uniformed services voters in the United States as well as overseas voters. In other words, military personnel and their voting age dependents who are in the United States but are absent from their place of residence where they are otherwise qualified to vote during the general election, can vote using an FWAB.

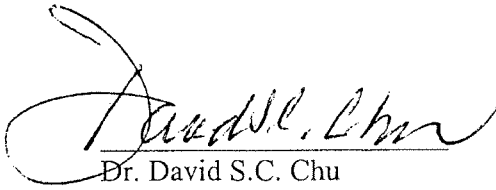
Section 566 also changes one of the conditions under which FWAB shall be counted by local or state election officials -- the deadline for receipt of the application for an absentee ballot request. Previously, under Section 103 of UOCAVA, the FWAB would not be counted if the application for a "State absentee ballot" was received by election officials "less than 30 days before the general election." The amendment now specifies that the FWAB will not be counted if the application for a State absentee ballot is received after *the later of* (A) the deadline of the



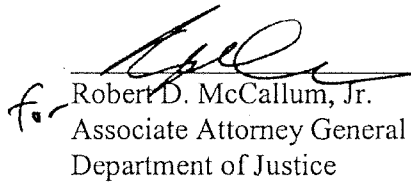
State for receipt of such application; or (B) the date that is 30 days before the general election." All of the other conditions specified in the statute for use of the FWAB have not changed and remain the same.

The Federal Voting Assistance Program has recently developed an official on-line version of the FWAB and information about that form is available from the FVAP Office. If you have any questions about this, you can contact Rebecca Wertz at 1-800-253-3931 in the Department of Justice or John Godley at the Federal Voting Assistance Program, in the Department of Defense, at 1-800-438-8683 or 703-588-1584.

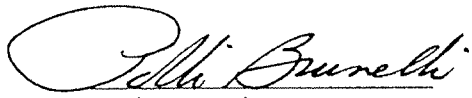
Sincerely,



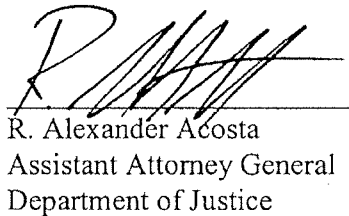
Dr. David S.C. Chu  
Under Secretary of Defense  
for Personnel and Readiness  
Department of Defense



for Robert D. McCallum, Jr.  
Associate Attorney General  
Department of Justice



Polli Brunelli  
Director, Federal Voting  
Assistance Program  
Department of Defense



R. Alexander Acosta  
Assistant Attorney General  
Department of Justice